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OPEN SPACE ELEMENT

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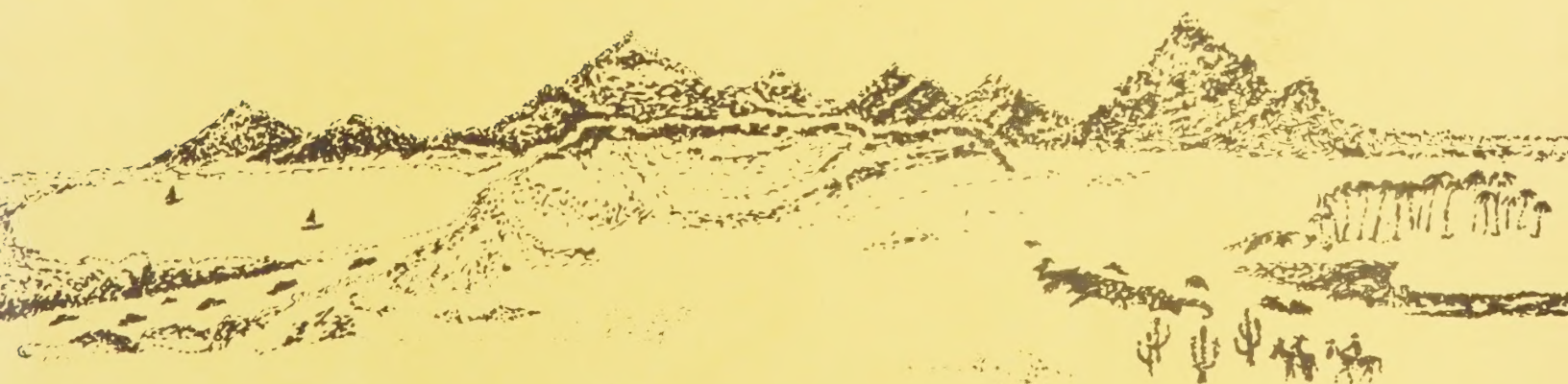
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GENERAL PLAN

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June 1973

OPEN SPACE

an ELEMENT of the

WASCO

GENERAL PLAN

KCG OS-3

1973

KERN COUNTY, CALIFORNIA

Prepared by the staff of the

KERN COUNTY COUNCIL OF GOVERNMENTS - KERN COG

In cooperation with the City Planning Commission

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ABSTRACT

TITLE: Open-Space an Element of the Wasco General Plan

AUTHOR: City of Wasco Planning Commission in cooperation
with Kern COG

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DATE: June 26, 1973

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ABSTRACT: This report is concerned with the preservation of open-space, which is necessary to maintain the economy of the city and to assure the continued availability of land for the production of food and fiber, for the enjoyment of scenic beauty, for recreation, and for the use of natural resources.

It identifies general goals, standards, policies, and outlines a course of action so that open-space will be available for the citizens of the community. Emphasis is placed on utilization of all community resources, both public and private, for recreational purposes. It discourages the premature and unnecessary conversion of open-space land to urban uses as a matter of public interest and benefits the urban dwellers because it discourages noncontiguous development patterns, which unnecessarily increases the cost of community services to the residents.

An allocation of responsibility is presented for carrying out this plan. A method of implementation is presented, which is predicated upon citizen participation.

The element was adopted by the Wasco City Council on June 26, 1973.

Resolution No. 503.



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FOREWARD

The Seventies will be memorably marked as years when men recognized that the multiple benefits of open-space are of paramount importance and, as a result, began to restore the balance between himself and his institutions on the one hand and his natural environment on the other. Despite this recognition, past effort to preserve land in open-space uses often fail. The following three reasons have contributed to this failure:

- Misuse or lack of understanding of the term "Open-Space."
- Wrong choice of the method selected for keeping the land open.
- Financial gain which a capitalistic economy affords speculators and promoters.

Because open space is a term that means many things to many people, we often become confused in planning for the location, acquisition, and maintenance of land in various categories of open-space uses.

Because the wrong methods are used and proponents neglect to stress or even mention less obvious reasons for keeping land in open-space uses, programs have failed.

Table of
CONTENTS

Foreward	Page iv
Table of Contents	v
Introduction	vi
Summary	viii
Open Space The Challenge	1
Open Space Defined	2
Goals general	3
The Program	4
<u>Open Space Resources</u>	11
Action Program	56
Appendix	68
Acknowledgement	78
Certification	79

INTRODUCTION

State law currently requires that all cities and counties must prepare and adopt a local open-space plan for the comprehensive and long-range preservation and conservation of open-space land within its jurisdiction. Included in such plans must be an action program consisting of specific programs which the legislative body intends to pursue in implementing its open-space plan.¹ In addition, all cities and counties must adopt an open-space zoning ordinance consistent with the adopted open-space plan.

The need for systematic planning cannot be disputed. The problems that have developed in the past and are constantly developing in our urban society may require additional restrictions on the use and occupation of private lands in urban communities. Certainly, as the long evolution of the police power indicates, there are many areas wherein individuals profit by yielding certain of their rights to the authority of the community because the total returns to the community are thereby increased and each individual shares in an improved and greater community.

Unnecessary conversion of open-space land to urban uses is a matter of public interest and will be of benefit to urban dwellers because it will discourage noncontiguous development patterns which unnecessarily increase the costs of community services to community residents. The anticipated increase in the population of the state demands that cities, at the earliest possible date, make definite plans for the preservation of valuable open space land and take positive action to carry out such plans by the adoption and strict administration of laws, ordinances, rules and regulations as authorized by this chapter, or by other appropriate methods.

It has been clearly established through expressions of intent by the legislative bodies at the federal, state, and county levels, that a mandate to local governments has been made to adopt and implement comprehensive plans to preserve open-space lands. An initial response has been made by this city by the adoption of the County Open Space and Conservation Element as an interim general plan. This plan supersedes any interim plan adopted by the city.

A few years ago, a standard legal response to a question concerning the effect of a general plan and its related parts was that such a plan was merely a general statement of possible future policy direction of the city, but that it carried little, if any, specific legal effect. Such an answer would no longer be either accurate or possible. Today the general plan of a city has serious legal implications--implications arising out of state law, out of federal administrative requirements and out of the new stature of the general plan as a viable part of the municipal planning and zoning function. In some cases--such as open-space consideration--specific planning and zoning implementation is required of municipalities and, in all cases, it is contemplated that the general plan provisions must be consistent with and implemented by the municipal comprehensive zoning ordinance.

It is certain that there is no guarantee to any owner or potential owner of property of having land zoned to what that particular owner or potential owner may consider to be its highest and best economic use. The welfare of all the citizens of the state--not just for the present

1. Government Code Section 65564

brief moment in time, but with a view to the future--greatly outweighs the interests of any private developer. The context in which the highest and best use of specific land is to be determined is that of the entire municipality. In a legal sense, any loss incurred by an individual as the result of a valid zoning action is part of the price one must pay for living in a society.

Under all the facts, it is our opinion that the open space plan and the zoning consistent with and designed to implement the proposed open space plan are both legally sound within the scope of the power of the city council and susceptible to adoption by the city.

SUMMARY

This booklet describes goals, policies, and implementation plans for the Open Space Program.

It was prepared in order to:

- . Increase public awareness, interest, and participation in open space.
- . Relate how the open space affects the conditions in which the people of the **community** live.
- . Propose the framework for specialized uses of open space--the achievement of which must come through special citizen action programs.
- . Stress the importance of the inter-relationship between open space--the social, economic, and physical conditions of the county.

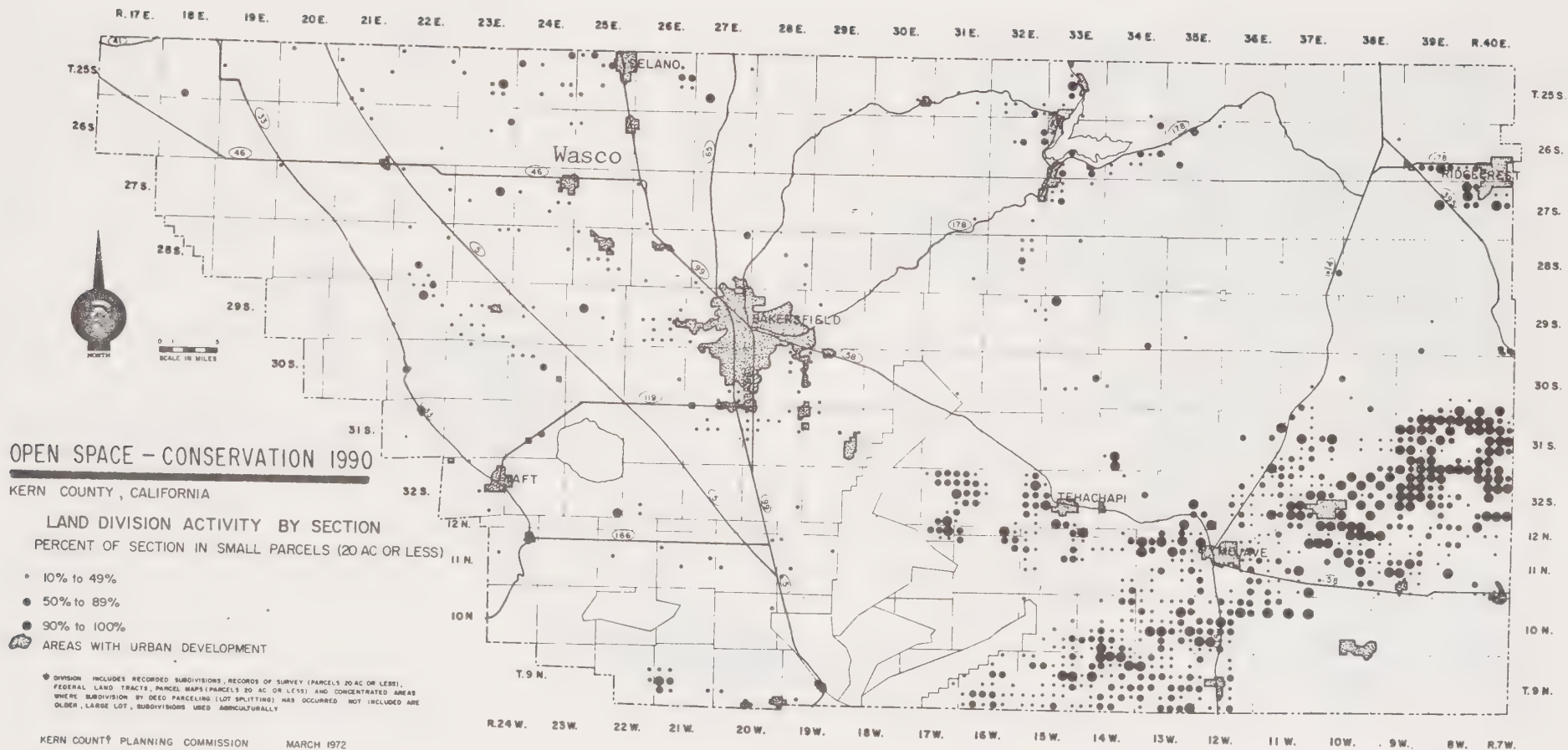
Open space programs are developed not only through a wide variety of special action groups, but through many phases of the cities adopted Comprehensive General Plan.

The land use element designates open space; so does the circulation plan of roads, as does the zoning ordinance. The selection of a school site, a park site, or a wildlife habitat, results in a major contribution to open space. The designation of scenic highway corridors, agricultural preserves, managed wet lands, and wildlife preserves has contributed significantly to the open space program.

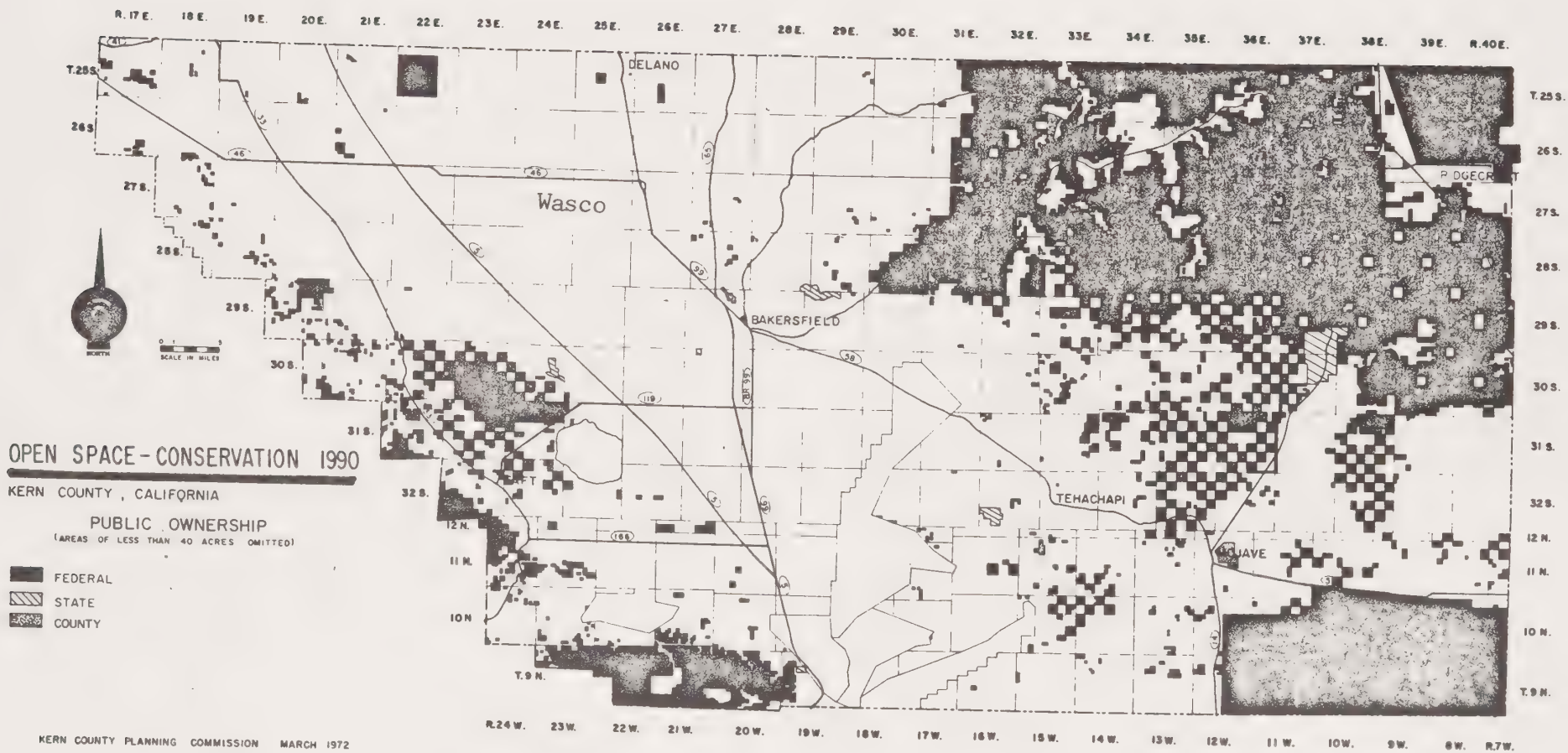
In this booklet a functional relationship between the region's open space system to the life-styles, to the land use structure, and to the broader natural environment setting is stated in both graphic and written form.

The goals, the opportunities, and the concepts stated in this element of the city's general plan apply to each of the specific action programs.

Application will vary with the nature of the different components, as well as economic reality expressed in the capability of the citizens of the city, to shoulder the financial burden.



X



OPEN SPACE the Challenge

Depressing environmental conditions caused by man are found in many cities, suburbs, and in the rural countryside. Land which was once open space is now cluttered with examples of mans so-called technological advancements. Beauty for which men search is often destroyed by those who search.

In order to protect and preserve the environment of ~~community~~ from such a fate, action is needed now while there is still open space to protect.

The open space program for the city is a method by which the citizens can take part in the development of their community. The goal of this plan is to preserve a desired livable environment and enhance our development as well as our physical growth.

Thoughtful planning of programs and spaces, with regard for the desirable features of the environment, is essential if we are to accept our responsibilities to ourselves and to future generations.

Opportunities

The city now has the opportunity to:

1. Provide safe and adequate housing for all citizens, regardless of racial origin, and to provide each with an opportunity for choice between alternative living environments.
2. Maintain and enhance the agricultural environment.
3. Promote a strong, diversified, economic base and provide for the orderly distribution of employment opportunities.
4. Provide a wide range of cultural, social, educational, health, and commercial activities and facilities for all of the citizens of the region.
5. Provide a full range of recreation facilities to meet the requirements of an expanding population with increasing amounts of leisure time.
6. Protect and manage the diverse and valuable natural land, water, and air resources of the city for the use and enjoyment of present and future populations.
7. Achieve a safe, efficient, and balanced system of transportation facilities, capable of serving the needs of all of the citizens.

OPEN SPACE DEFINED

Open space can be defined by its function:

- That of serving esthetics
- That of air and water management
- That of providing mental and emotional well-being
- That of noise reduction
- That of preserving prime agricultural land
- That of maintaining wildlife habitat

Open space can also be defined by its use:

- Space that is not used for buildings or structures
- Space that is relatively free of development
- Space having low population
- Space having vegetation
- Space used for recreation, water supply, or agriculture
- Space in which flora and fauna exist undisturbed

It may be air, land, or water located in the city or in the open countryside.

It may be flat land in the valley or steep slopes in the mountains.

It may be a park, a plowed field, a wildlife habitat, or a divided street.

It may be flood plains and alluvium fans.

It may be national forest, national parks, or public land under Bureau of Land Management.

It may be owned publicly or privately.

It may be owned in full or it may be only on open-space easement.

How open space is built into the environment and what functions are emphasized is highly relevant to the life style of the citizens.

GOALS General

An Approach to Long Term Plans for Open-Space

This open-space element clearly expresses both the new and very critical role of the planning function in relation to the communities' needs and the power of the municipality to deal effectively with these needs. The land use policies expressed here represent the culmination of an intensive exploration and an in depth consideration of alternative land use plans for the area. These policies and plans were developed through rational and comprehensive planning procedures. There has been a thorough analysis of the problems and a balancing of the environmental constraints and development potential of the city against the public objectives as expressed in this element of the general plan.

The policies, objectives, and the implementation of the open-space plan are predicated on the goals that are established. These goals form the core around which the entire program is formulated. The statements found in this section express the wishes and desires of the people for the long range, orderly development of the open-space program. These goals are:

- To provide direction for both public and private interests in the development of essential open-space facilities which have the greatest possible benefit for the largest number of citizens in the long run.
- To conserve open-space areas which will help perpetuate the unique natural and cultural setting of the region for the enrichment of its residents.
- To preserve a desired livable environment in which our physical development as well as our enjoyment of our area is enhanced.
- To achieve a balanced distribution of open-space land which will provide an attractive environment essential to a sound economy. This is the only kind of environment which will be marketable in the years to come.
- To establish prime agricultural land uses in order to prevent premature conversion of urban land to subdivisions.
- To prevent adverse effects of urban sprawl and other forms of urban development.
- To maintain an appropriate balance between physical development and the reservation of open-space to meet the needs of the inhabitants for recreation and the amenities.
- To reserve adequate sites in neighborhoods, communities, and unincorporated areas for future schools, parks, and public facilities.
- To provide open-space for public facilities (sewer, water, solid waste disposal, and power sources) to eliminate water, air, and noise pollution.
- Encourage efficient public spending for acquisition of rights and titles to open-space lands.

THE PROGRAM

The open-space element of the city's general plan is a program of critical determinants. The program should be flexible enough to admit new data and techniques as continuous feedback into the plan, yet the basic concept of preserving an attractive environment must be kept intact.

The city must meet the provisions of the State Planning and Zoning Law by adopting a local open-space plan and consistent zoning ordinance for and within their jurisdiction. For this reason, the open-space program is designed to consider a variety of land uses. The following list designates items that are to be considered in this element. Some of these items are not pertinent to the city's development plan, as such, because they are not present within the city boundary. However, the citizens do have a vested interest in these items and their views are expressed.

As part of its Action Program, the city intends to draft an open-space zoning ordinance by early 1973.

The form and content of this ordinance will take has not been determined. Other ordinances will be drafted to implement policies regulating preservation of open-space in specific fields, such as the conservation and scenic highways.

Urban Open Space

In urban areas, the total amount of open-space is not as important as the amount of usable open-space. Open-space which is accessible to the public has the greatest direct impact. In designing communities open-space needs, areas to be retained will be shown on the plan. Linear parks and trail could be planned to provide direct access to schools, parks, and shopping centers.

As areas are developing, the school and open-space needs for the area will be determined. The policy of locating recreation areas adjacent to schools is preferred. Joint use of parks and playgrounds make it possible to reduce the number of acres that must be acquired to provide recreational and educational activities for all ages.

Recent concepts in subdivision design recognize the importance of open-space planning. Local zoning and subdivision ordinances must be revised to permit greater flexibility in design. The jurisdictions should permit "planned districts" or "planned unit development." Zones utilize a cluster arrangement of housing units on smaller private sites, leaving usable common open-space for paths, bikeways, ribbon parks, open group-play areas, and safe preschoolplay lots. The ordinance should be revised to require declaration of land for parks and public purposes, or payment of fees for each lot developed in lieu of dedication. Each open-space created by a housing cluster can be planned so it connects with the open-space around other clusters and with a park and school site.

Within the jurisdiction of the city are many diverse areas which may be categorized as open-space lands.

Environmental Damage by Development

The misuse of land resources can cause environmental problems, which may eventually result in increased public costs. Development, with controls appropriate for its location, is usually not harmful to the environment. The problem lies in anticipating the effects of the development.

Existing local and state regulation, if strictly applied and enforced, reduces the possibility of extensive environmental damage. All development proposals likely to have a significant environmental impact are required to include a comprehensive impact report and provide means of mitigating any adverse effect.

In approving future development proposals, controls should be specified and regulated to ensure that no environmental damage occurs.

Areas Hazardous for Development

There are some areas which are too hazardous for development or which would be economically unfeasible to develop because of the environmental limitations. Such areas may have: seismic activity, flood hazards, steep slopes, unstable subsurface formations, earthslides, or high water tables.

Other areas may have adjacent land uses which are not "good neighbors" for urban development. Cattle feed yards, dairies, and salvage yards should be regulated so they do not adversely effect a community. An airport, for instance, should be protected from the encroachment of residential development. Lands maintained for the protection of an airport can be used as a golf course or agricultural use, but not residential or commercial use.

Many areas unsuitable for urban development can be maintained as open-space and used for recreational uses. Identifying these hazardous areas on the Land Use Element of the General Plan is essential to ensure that they remain in permanent open-space.

Hazardous areas--such as railroads and highways--should include in their rights-of-way, open-space buffer areas which are adequate to provide the desired degree of public safety.

Open Space Resources

Citizens are realizing that decisions about land uses have enormous environmental impact on an area. Often these decisions are irreversible and the wrong decision can be disastrous. New attitudes toward open-space have emerged, along with the realization that the amount of land in this country is not inexhaustible. This realization has created a concern in some people for the preservation and prudent development of the remaining open-space.

Until recently, the protection of open-space has not been a major concern of most people. This is because our state is so rich in land resources. The urbanized areas, large and small, are physically separated by extensive open areas. Each city has an identity derived from this physical separation from neighboring cities. What would be the character of these cities and town if the rural area is converted to urban development? Only in the last five years has the increasing conflict between the preservation of open-space and the inroads of urban residential uses been a major concern.

During uncontrolled expansion valuable open-space land can be lost by the amount and patterns of growth. The amount of growth need not infringe on open-space. The population estimated for the year 2000 could be accommodated in the areas now shown as developed for urban uses on the general plan. Yet some developers continue to assume that the rural areas between cities will have to be developed.

CITIZENS AND GOVERNMENT

The crucial part of a meaningful open-space element of any general plan is the interaction of the citizens and government. Citizens and government is a misleading phrase, as it gives the impression these are two separate entities. Although citizens are the government, there seems to be a distinction between citizens in public office and having local, state, and federal government jobs, and those on the "outside" of the government structure. It is a problem of communication if this situation is more imagined than real, but it is a crucial problem of government responsiveness when this situation actually exists.

In the Citizens Advisory Committee meetings and the workshop sessions of the public conference, many comments, criticisms, and recommendations concerning government can be discussed, noted, and recorded. These comments are significant in that they come from people relatively active in local government. These statements give one an insight into the general opinion that residents have of their city, its government, and the problems it faces.

In general, it was found that most citizens are ill-informed about government, are unaware of where to go for help when they need it, do not know what various agencies do, or how they can make their opinions known. The result is a lack of citizen participation in local government. Those who participate do so only when they want something specific and then exert pressure to have policies established in their interest.

Comments are often made regarding the cause for lack of citizen support of government decisions. Causes given are the undeclared conflicts of interests in public bodies and rivalry between county supervisors and city governments. Comments such as these again indicate the "gulf" that exists between the citizenry and government.

Many citizens view the planning process as an arm of government totally removed from citizen input and existing to deny the citizen's inherent rights in private property. These rights are expressed as the freedom to do with one's property as desired, but due consideration is not given to the public interest of society as a whole. Land-use zoning is generally accepted as necessary to protect one's property from the detrimental actions of others. But, zoning restraints are viewed as desirably only when they constrain someone else. Society, the collection of all citizens, has to work through the governmental process to establish policies that benefit all. These policies should be established by the consensus of the general public, with the advice of a professional staff.

The general public, represented by a citizens advisory committee, has stated that one barrier to establishing an effective open-space policy is the lack of recognition among the citizenry of the potential advantages of an open-space system. There is also a lack of agreement as to what constitutes a balanced open-space system. The answer lies in increased communication to disseminate this information which is then to be used as the background for decision making.

Another barrier to an open space policy is the general resistance to regional planning. Regional planning is viewed by many as another layer of government usurping local governmental powers and placing control over

local matters at a level too far from the influence of the local citizen. However, regional planning has become necessary to implement solutions to problems not easily handled by local government and to coordinate decisions, especially in the urban fringe areas.

The complexity of society and its problems demand solutions to problems by some manner other than the uncoordinated and fragmented approach resulting from an overabundance of governmental agencies. Problems or issues do not respect jurisdictional boundaries. A coordinated approach is needed and regional planning provides that--a framework within which local governments coordinate their activities to provide solutions to problems that extend beyond their individual boundaries. Regional planning's most valuable asset is the resources it has at hand for applying problem-solving techniques to today's complex problems and for providing mechanisms to prevent problems.

For open-space to be preserved, policies have to be established now that will allow growth to occur in an orderly manner with a minimum of conflict. However, a comment frequently heard in this county is, "We don't know what is going to happen, so how can we establish policies now?" This is an attitude of the past that has allowed short-sightedness and narrow vision to develop, resulting in the misuse and eventual destruction of much of our environment and its natural resources. Since patterns of land use accrue from day to day decisions, it is imperative these decisions be made within the framework of long-range goals. By establishing policies now, the framework will be provided for achieving the goal of adequate open-space.

PUBLIC INVOLVEMENT

The Open-Space Program is an element of the city's Comprehensive General Plan.

It interprets the guidelines for open-space as set forth in the city's Land Use and Zoning Plan.

This program directly involves public or quasi-public agencies:

- Wildlife Department
- Parks & Recreation Department
- Department of Water Resources, State of California
- State Division of Highways
- U.S. Army Corp of Engineers
- Soil Conservation Service
- HUD
- Kern County Public Works
- California Regional Water Quality Control Board
- Public Utilities Commission
- Kern County Council of Governments
- Kern County Planning Commission

The Open-Space Plan involves these public service programs:

- Comprehensive General Plan
- Water and sewage plans
- Transportation Plan
- Agricultural Preserve Plan
- Parks and Wildlife Plan
- Refuse Disposal Plan
- Storm Drain Plan
- Park and Recreation Plan
- Circulation Plan
- Housing Plan
- Land Use Plan
- Noise control plans
- Scenic Highway Plan
- Conservation Plan
- Seismic Safety Plan

The Open-Space Plan involves a wide spectrum of public activities:

- Housing
- Public works
- Economic development
- Education
- Water pollution
- Air pollution
- Transportation
- Public utilities
- Recreation
- Agriculture
- Conservation

PRIVATE INVOLVEMENT

Direction for open-space action must come from the participation of private groups and individuals. This essential ingredient to the program should give imaginative orientation to the preservation of valuable unprotected open spaces.

Some of the private interests concerned with open-space consideration are:

- Civic organizations
- Financial institutions
- Industry and commerce
- Religious organizations

- Garden clubs
- Archeological Society
- Historical Society
- Pistol clubs
- Archery clubs
- Camera clubs
- Sportmen's associations
- Anti-poverty citizen action groups
- Bird watching groups
- Active sports groups
- Youth groups
- Riding clubs
- Geological study groups
- Conservation groups

- Individual developers
- Hunters and fishermen
- Golfers
- Farmers and ranchers
- Hikers and campers
- Architects and engineers
- Interested citizens

OPEN-SPACE RESOURCES

	<u>Page</u>
Standards for Open-Space	12
Open-Space Divisions	
1. Natural Resource Land	13
2. Agricultural Land	20
3. Recreation Land	26
4. Scenic Land	39
5. Watershed or Ground Water Recharge Land	42
6. Wildlife Habitat	47
Major obstacles to preserving open-space	53

STANDARDS FOR OPEN-SPACE

There are no nationally recognized standards for open-space uses in the general sense. Each geographic region is unique and requires specific standards for its own special needs. In the Plan section of this element some general standards have been presented for specific divisions of the Open Space Element.

Known standards, as shown in Appendix , for certain specific needs--such as: parks; hiking, riding, and bicycle trails; playgrounds; and golf courses--should be evaluated and modified to complement conditions in each locality.

There can be no specific open-space standards for historical sites or scenic areas because of the varied characteristics of such land uses. Each classification must be regarded in terms of its own potential. The quality and quantity of open-space needs should be considered **subjectively**.

The total open-space needs of the city must be based on its physical, social, and economic characteristics.

Although adequacy is not easily defined, guides or standards are often used to assist in determining minimum needs. Standards are used in this report as a rule of thumb for evaluating segments of our environment. These rules must not be considered **inflexible**. They become valid only when applied after special care has been exercised to evaluate separate areas and locate various uses in respect to needs. Unless programs are well planned, well developed, and well managed the need will not be met. The problem is not one of number of acres, but of effective acres.

1. NATURAL RESOURCE LAND

Forest Land

These lands produce wood products which are an essential part of the economy. They provide other important multiple use benefits of open space, range, public and private recreation, watershed, and wilderness. Fragmentation and disorderly development of forest lands jeopardizes proper timber management, fire and erosion control, and scenic values; and also contributes to pollution of water supplies.

Policy

Prime forest land does not exist within the city; however, the administrators of such lands are encouraged to maintain timber production under multiple use concept. Recreation and subdivision developments of forest land should be carried out in orderly manner with high standards for environmental protection. Coordination of management of public and private forest land is essential to the city's interest. (Inventory of forest land, if any.)

Mineral Production

Land used for mineral production includes that used for oil and gas wells, geothermal power fields, clay, sand and gravel pits, mines, and quarries. Extraction of such minerals is necessary to sustain an industrial economy. However, it is essential that the long range requirements for minerals be balanced against alternative land uses and the environmental impact of such mineral extraction.

Policy

Mineral production, both inside and outside the city, should be planned and performed so as to avoid destruction, pollution, or degradation of surrounding land, air, and water resources. After mineral extraction has been completed, land used for mineral production should be reclaimed and restored to its original site condition or improved for other appropriate uses.

Definition

Natural resource land is land deemed by the legislative body to possess or encompass natural resources, the use or recovery of which can best be realized by restricting the use of the land.

Natural Resource Land Standards

Management policies within the city boundaries shall conform with the most advanced technological method consistent with providing for the health, safety, and welfare of the general public.

Land Use Zoning

A program for enhancement and maintenance of aesthetic values will be established and maintained in cooperation with affected public agencies.

Land Use Zoning regulations and development standards consistent with policies of the general plan will be in effect over the natural resource lands.

Earthwork Operations

Surveillance of land cut and fill operations will be maintained and requirements for the replacement of the terrain in a suitable condition, replanting or landscaping of new slopes, is to be required. Adequate erosion control measures should be provided.

Signs

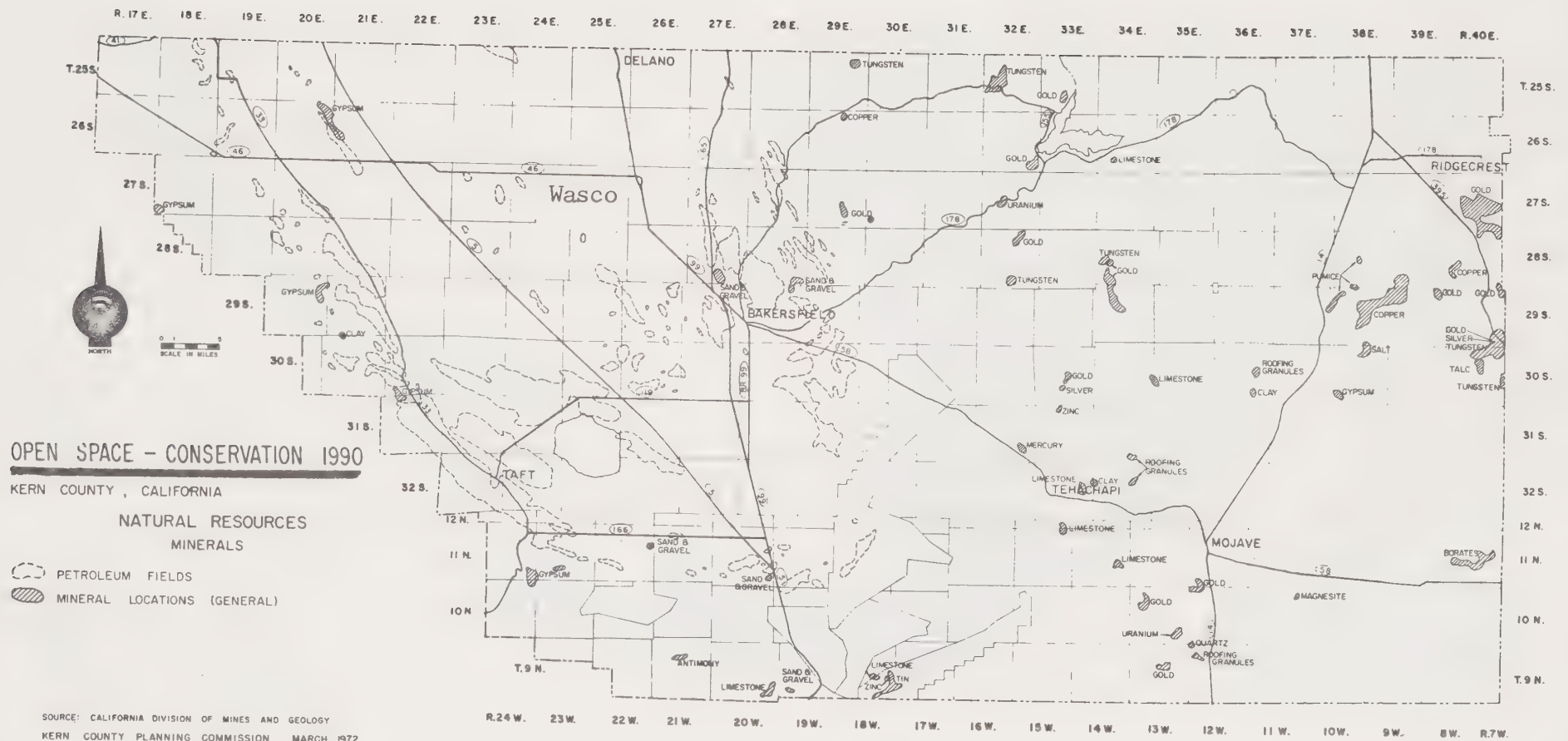
No off-premises outdoor advertising signs shall be permitted. On-premise signs should be the minimum size, height, number and type necessary for identification.

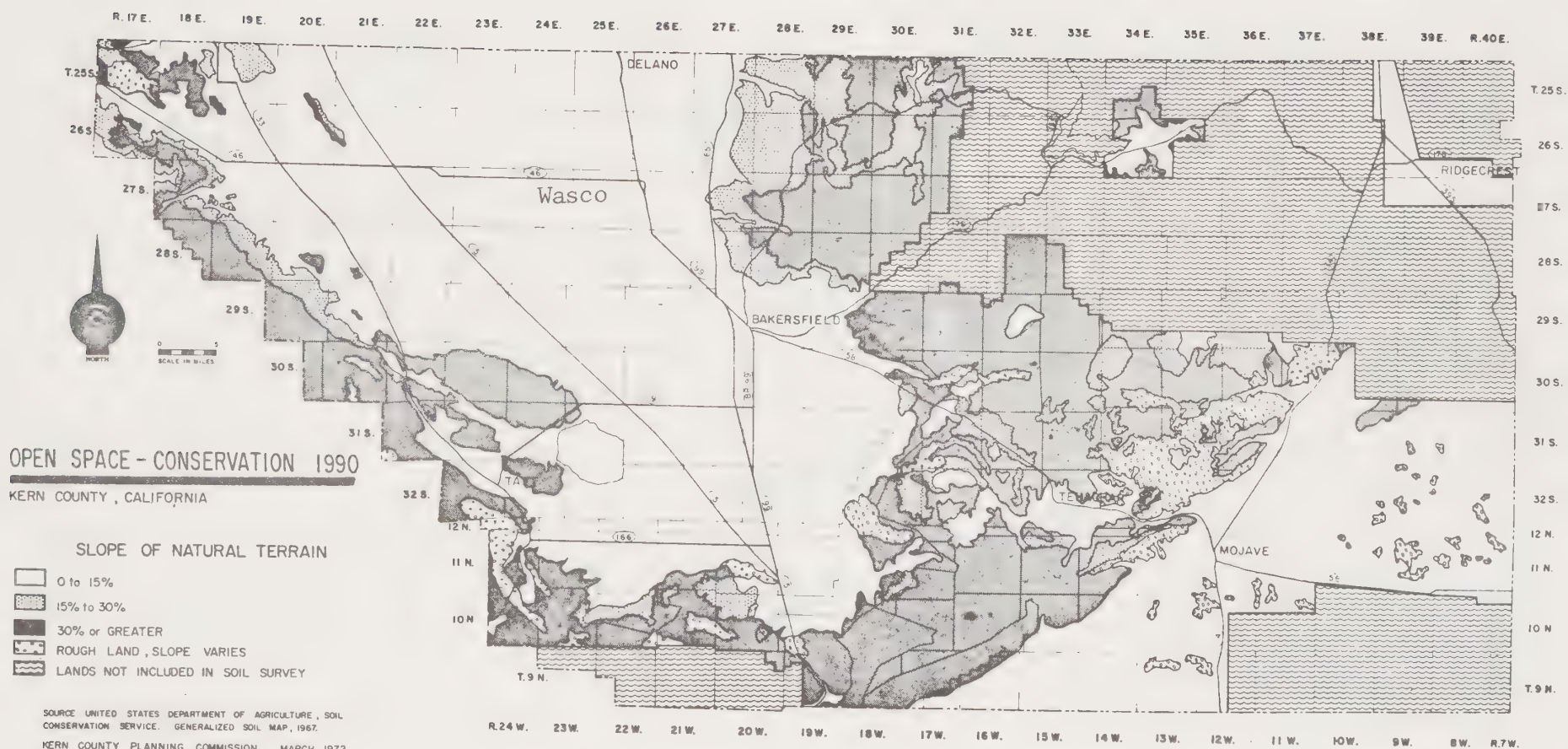
Pollutants

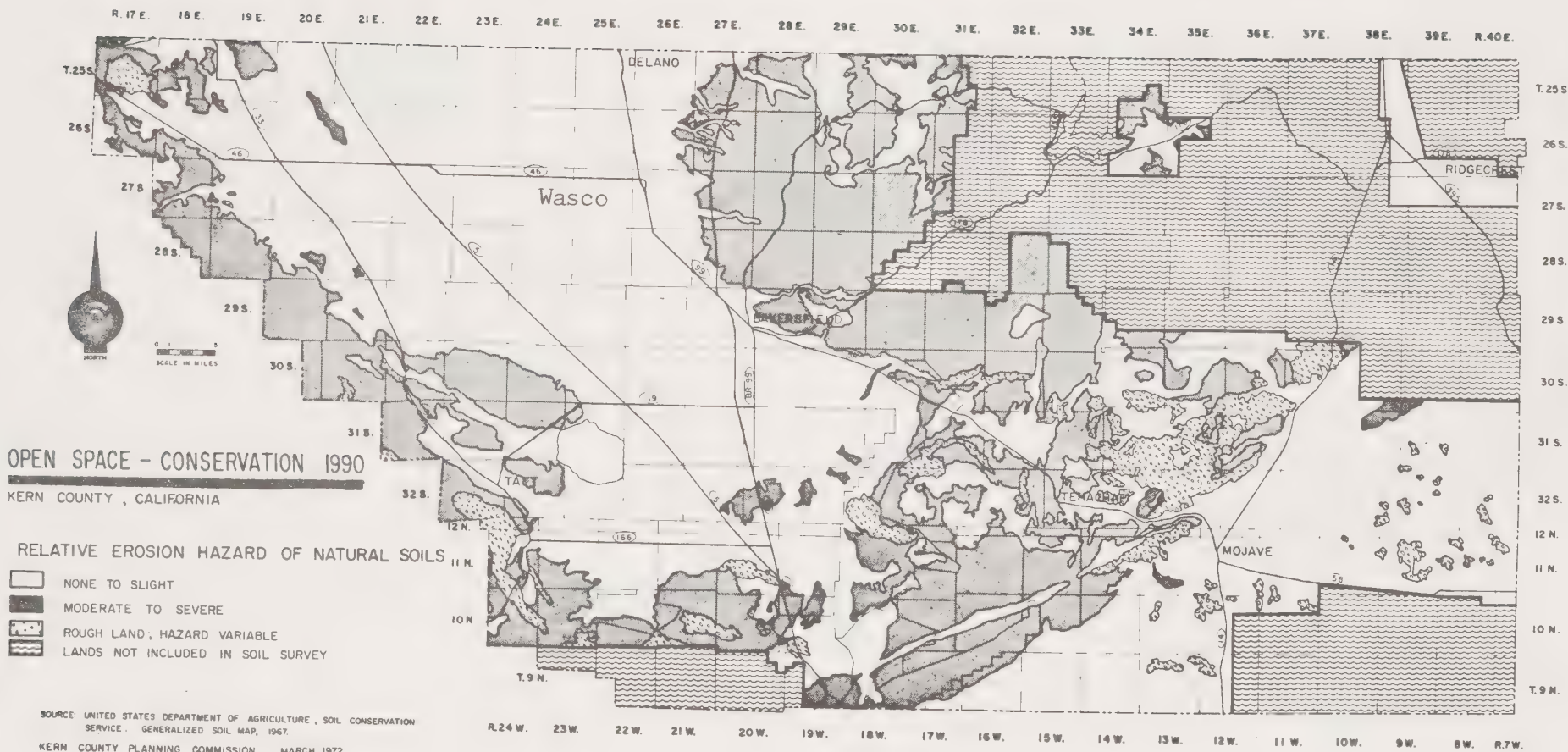
Production or exploitation of natural resources shall be conducted in such a manner that noise, air, and water pollution shall be held to a minimum. They shall be consistent with modern technological advancements in control measures of such operations.

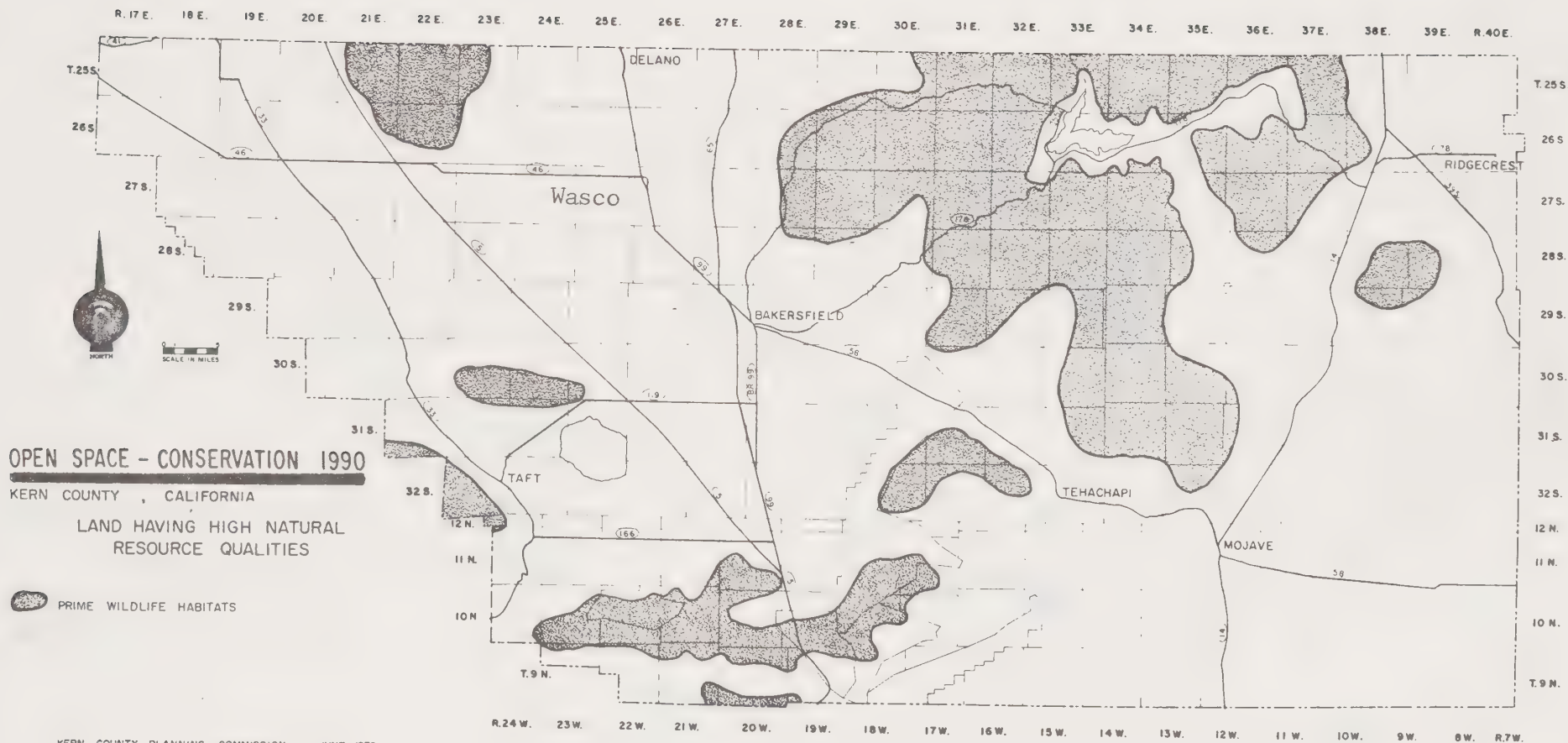
Preservation

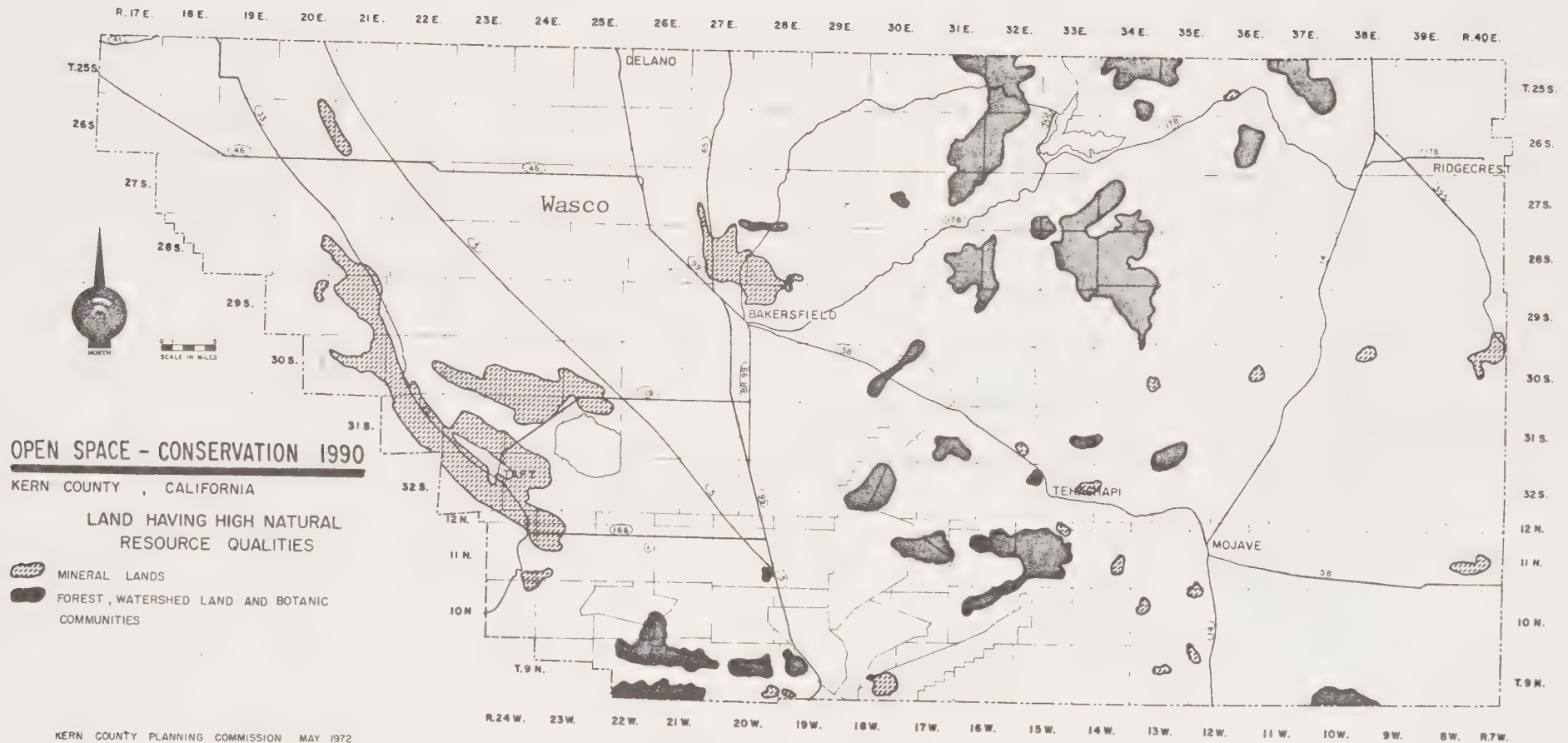
Existing flora, fauna, and wildlife habitats will be preserved.











2. AGRICULTURAL LAND

Prime agricultural and specialty crop land is essential to provide the variety and quality of food and fiber needed by the county and state. Economic forces are in motion which remove prime land from agriculture. This has resulted, in part, from urban sprawl, speculative land investment, and increasing levels of assessments and taxes based on land values unrelated to crop productivity.

Policy

Prime agricultural and specialty crop land are not preserved within the city, however, in the areas adjacent to the city such land must be permanently and exclusively reserved and agriculture recognized as its highest use in both public and private interests. Urban development outside of the city must be diverted away from prime lands. Land taxes on reserved prime land should be based on their agricultural values and not on their value as potential subdivision land.

Definition

Agricultural land means land actively used for the purpose of producing an agricultural commodity for commercial purposes. Land may be considered to be "actively used," notwithstanding the fact that in the course of good agricultural practice it is permitted to lie idle for a period up to one year.

Agricultural Land Standards

Land Use Zoning. Land use zoning regulations and development standards, consistent with policies of the general plan, will be in effect over the prime agricultural lands. In some senses, agricultural uses are now the highest, least intensive, most exclusive zone in common usage in the United States. Although agricultural zoning is usually unintensified use zoning, it will permit industrialized agricultural uses. It will also permit such residential uses as single-family homes on large lots, but it will prohibit conventional subdivisional and other urban uses. Often, it is used as a holding zone to contain urban areas and encourage contiguous developments, rather than allowing unlimited sprawl to occur.

As society began to value its rural areas more highly, the communities have upheld exclusive agricultural zoning. Industrial, commercial, and intensive residential uses may be excluded entirely or made possible only by obtaining approval of a conditional use permit. The preservation of agricultural lands as the sole purpose for zoning has been upheld in numerous California cases.

Signs. No off-premise outdoor advertising signs shall be permitted. The number of on-premise signs shall be held to a minimum. The size, height, number and type of sign shall be restricted to that necessary for identification purposes.

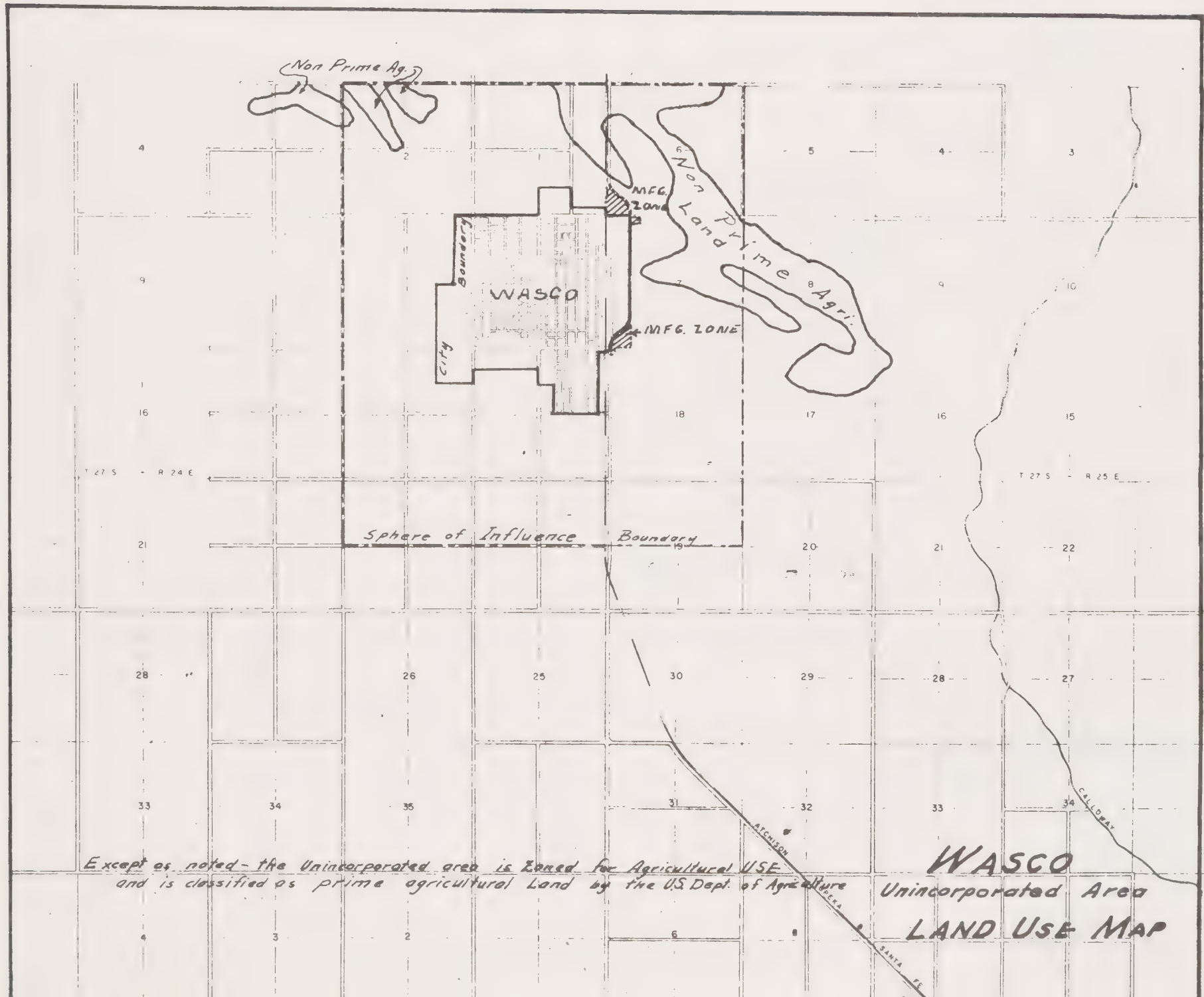
Transmission Lines. New and relocated transmission lines shall be constructed on existing rights-of-way, where possible. ~~Parallel transmission lines shall not occupy separate tower system, but shall be designed and reconstructed so one tower system can be utilized.~~

See Plan
#523

Soil Conservation. Adequate erosion control measures shall be provided to conserve prime agricultural soil.

Pollution. Disposal and burning of agricultural waste products shall be done in a manner that prevents air, water, and land pollution.

Inventory of Agricultural Lands. Plan acquisition and development. Sphere of influence land fully developed.



ZONING MAP 55

(SEC. 7207.224.4 OF THE ORDINANCE CODE OF KERN COUNTY)

T. 27S. R. 24E. M.D.B. 8M.

KERN COUNTY

CALIFORNIA

LEGEND

- A EXCLUSIVE AGRICULTURAL ZONE
- A-1 LIGHT AGRICULTURAL ZONE
- C-2 COMMERCIAL ZONE
- P-D PRECISE DEVELOPMENT ZONE
- R-2 TWO FAMILY DWELLING ZONE

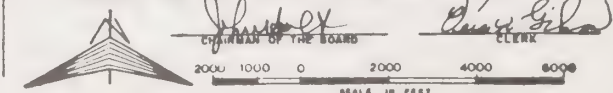


WE HEREBY CERTIFY THAT THIS PROPOSED ZONE MAP WAS ADOPTED IN THIS FORM BY RESOLUTION OF THE PLANNING COMMISSION OF THE COUNTY OF KERN, STATE OF CALIFORNIA, AT A REGULAR MEETING THEREOF HELD ON THE BOTH DAY OF OCT. 1969.

James P. Baker CHAIRMAN *John L. Easton* CLERK

WE HEREBY CERTIFY THAT THIS OFFICIAL ZONE MAP, WAS ADOPTED AS AN AMENDMENT TO THE OFFICIAL "LAND USE ZONING ORDINANCE OF THE COUNTY OF KERN", BY THE BOARD OF SUPERVISORS OF THE COUNTY OF KERN, STATE OF CALIFORNIA, AT A REGULAR MEETING THEREOF, HELD ON THE 1ST DAY OF DECEMBER 1969, BY ORDINANCE 129,124, PASSED BY SAID BOARD.

James P. Baker CHAIRMAN OF THE BOARD *John L. Easton* CLERK



KERN COUNTY PLANNING COMMISSION

AMENDMENTS
(A) ORD. G-1356 DATED NOV 16, 1970
(B) ORD. G-1357 DATED AUG 28, 1971

ZONING MAP 56

(SEC. 7297.2172 OF THE ORDINANCE CODE OF KERN COUNTY)

T. 27 S. R. 25 E. M. D. B. & M.
KERN COUNTY CALIFORNIA

LEGEND

- A-1 LIGHT AGRICULTURAL ZONE
- C-2 COMMERCIAL ZONE
- M-2 LIGHT MANUFACTURING ZONE
- A EXCLUSIVE AGRICULTURAL ZONE

WE HEREBY CERTIFY THAT THIS PROPOSED ZONE MAP WAS ADOPTED IN THIS FORM BY RESOLUTION OF THE PLANNING COMMISSION OF THE COUNTY OF KERN, STATE OF CALIFORNIA, AT A REGULAR MEETING THEREOF HELD ON THE 20TH. DAY OF OCT. 1969

Samuel D. Wilson
CHAIRMAN

Jack P. Houston
SECRETARY

WE HEREBY CERTIFY THAT THIS OFFICIAL ZONE MAP, WAS ADOPTED AS AN AMENDMENT TO THE OFFICIAL "LAND USE ZONING ORDINANCE OF THE COUNTY OF KERN," BY THE BOARD OF SUPERVISORS OF THE COUNTY OF KERN, STATE OF CALIFORNIA, AT A REGULAR MEETING THEREOF, HELD ON THE 15TH. DAY OF DECEMBER 1969, BY ORDINANCE NO. 1216 PASSED BY SAID BOARD.

Charles E. ...
CHAIRMAN OF THE BOARD

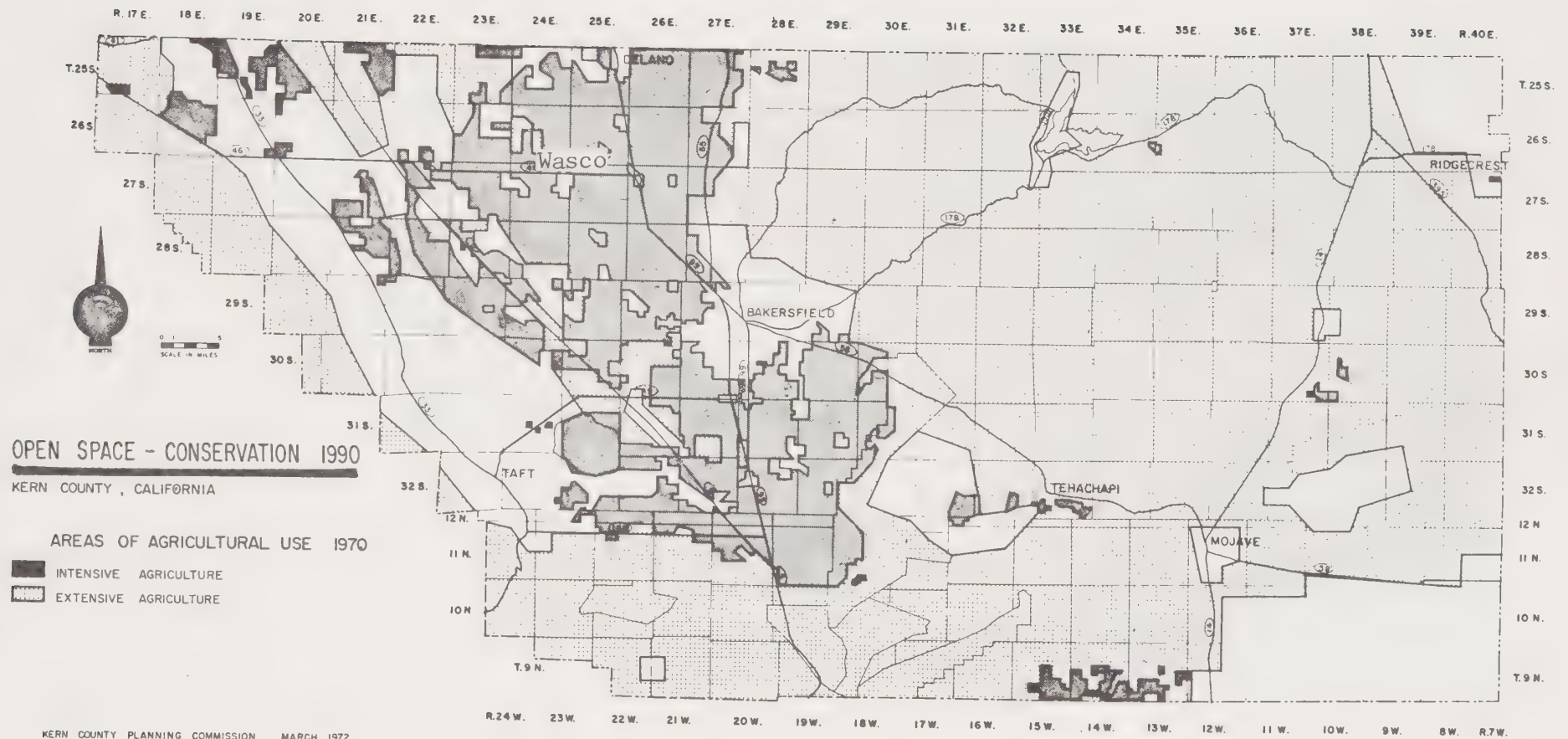
Carol E. ...
CLERK

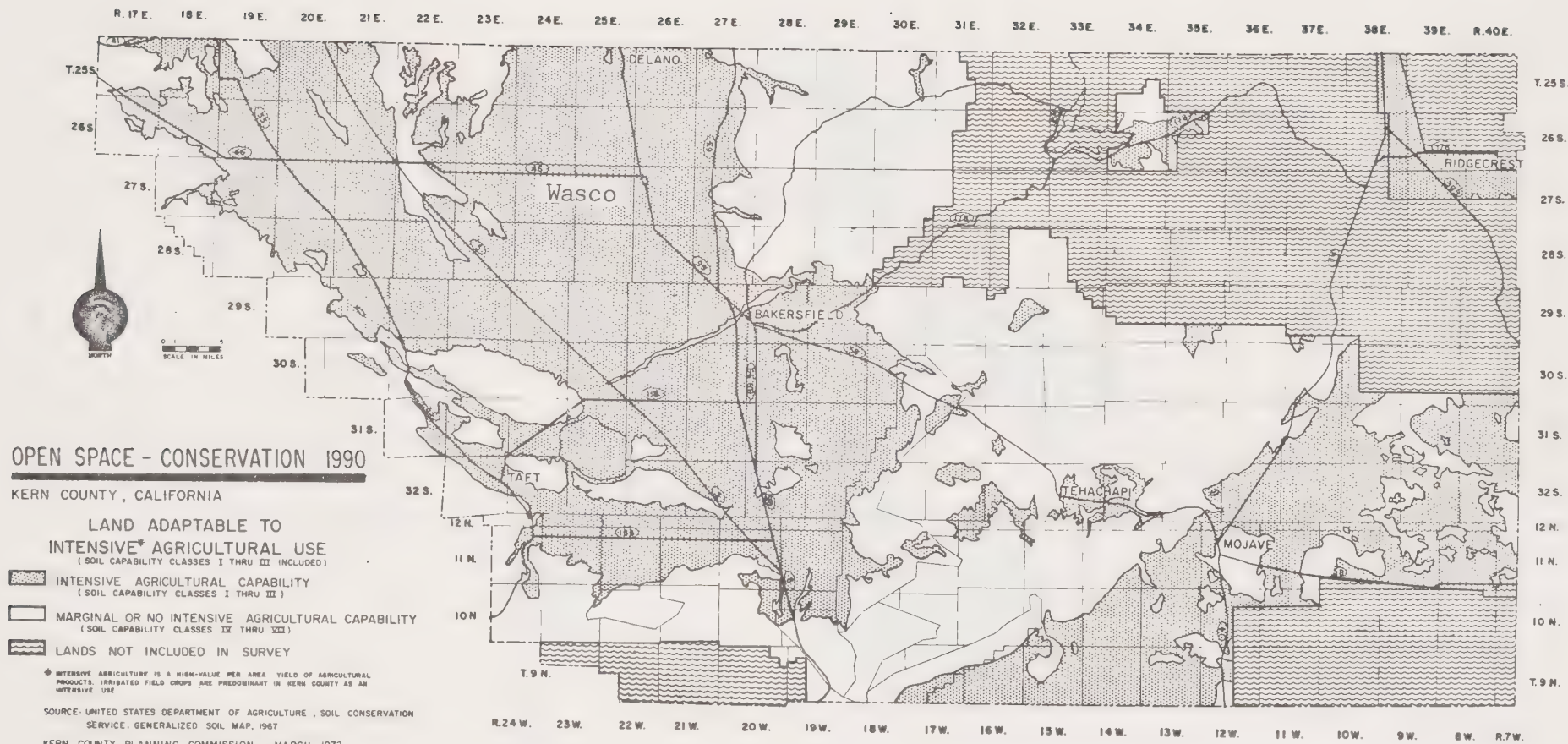


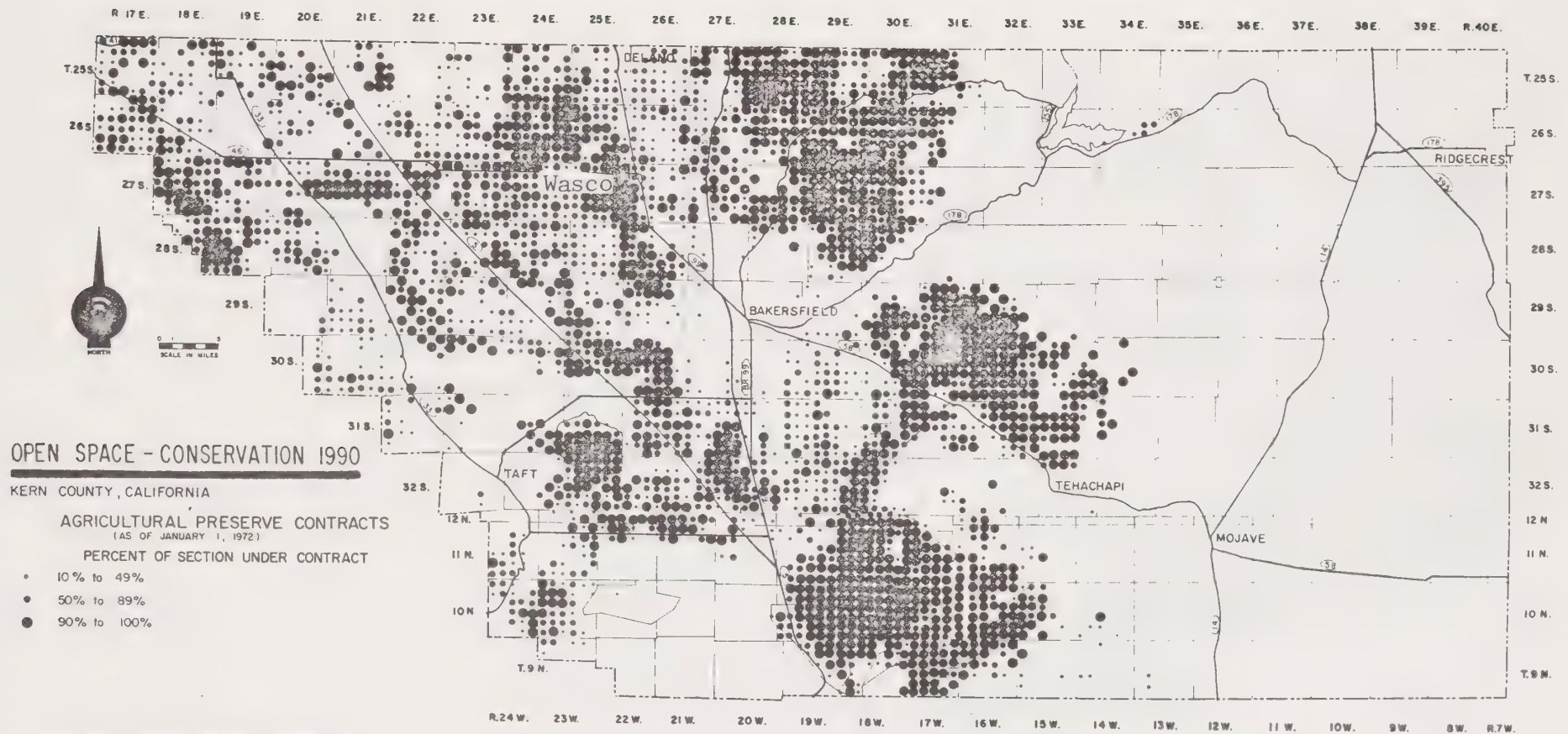
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SCALE IN FEET

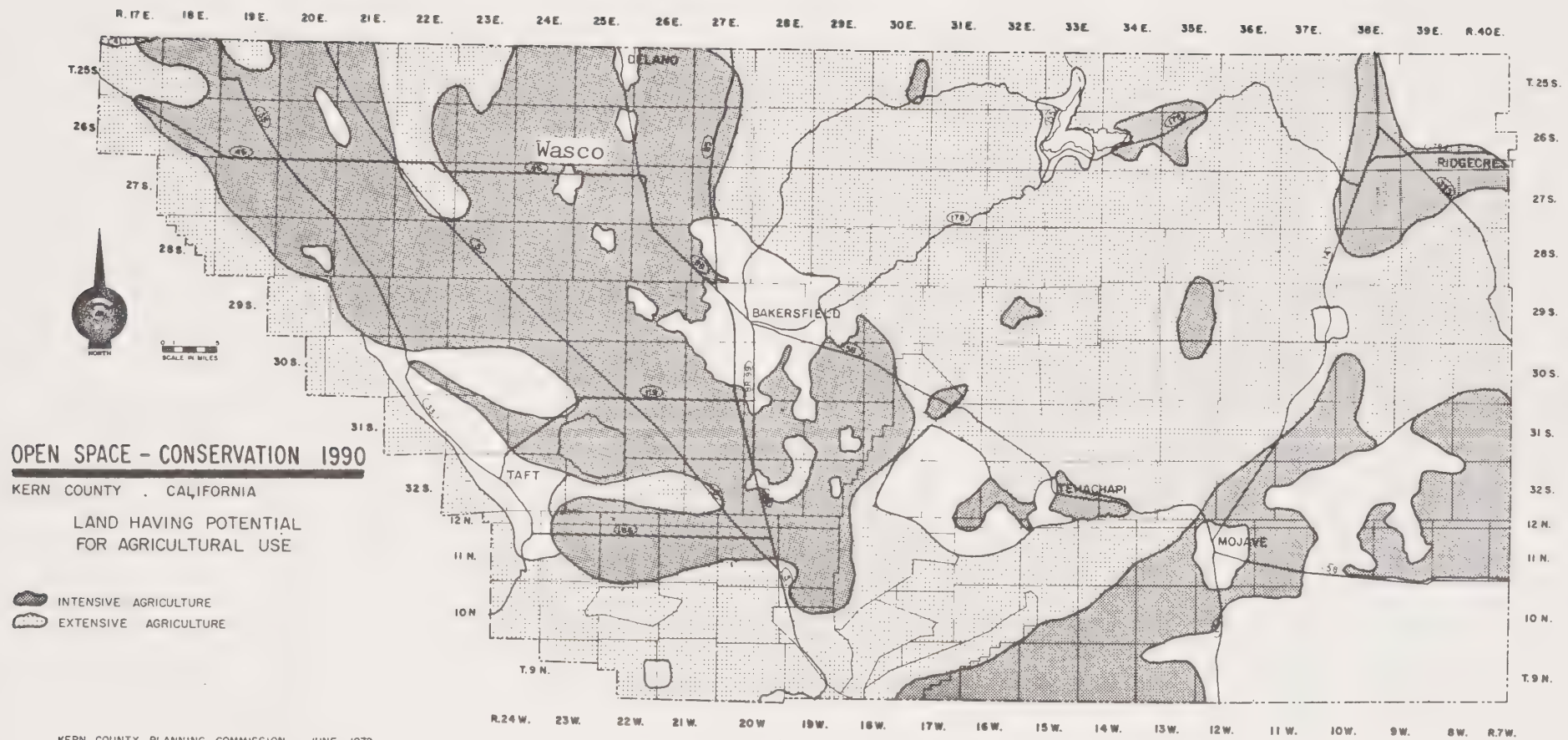
KERN COUNTY PLANNING COMMISSION











3. RECREATIONAL LAND

Recreational opportunities within urban areas have great public value in maintaining physical, mental, and social well-being. This value cannot be measured in monetary terms.

Public recreation areas tend to be squeezed out of newly developing urban areas because of the high cost of land. The citizens are the ones who lose when this happens. Recreational facilities which are designated on the city's general plan can assist in insuring the proper distribution and spacing of these essential facilities.

Policy

A minimum standard is set for the amount and quality of land devoted to public and private recreation. Dedication of land to public recreation is an essential requirement of all urban planning. Adherence to the general plan which designates recreational facilities is vital to the orderly development of a community.

Definition

Recreation land is any area of land or water designated on the state or regional or local open-space plan as open-space land and which is actively used for recreation purposes and open to the public for such purposes with or without charge.

Recreational Land Standards

Land Use. Land use zoning and development standards, consistent with policies of the general plan, will be in effect on the recreation lands.

<u>Size Standards.</u>	Local parks:	2.5 acres/1000
	Regional parks:	5.0 acres/1000
	Total	7.5 acres/1000

Distance. Local parks are located within walking distance of the neighborhood served.

Screening. Effective screening of play areas and offensive uses shall be accomplished by use of planting and fences.

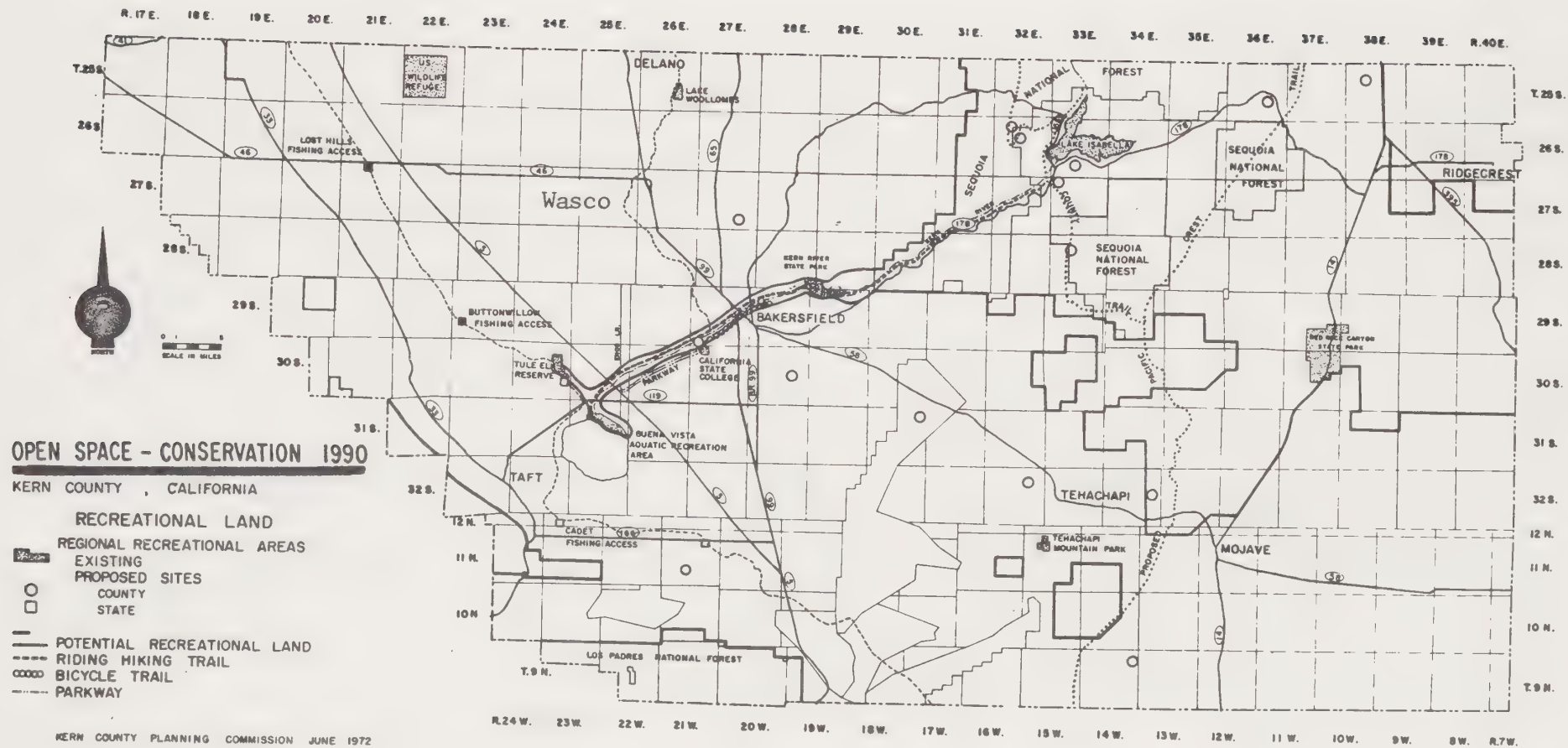
Signs. No off-premise outdoor advertising signs shall be permitted. On-premise signs shall be restricted to those necessary for identification purposes.

Utility Lines. ~~New and relocated utility lines shall be placed underground.~~ See Res #523

Earthwork Operations. Grading operations shall be done in a manner which produces naturalistic land forms. Vegetation cover and other screening should be provided to hide scars. Adequate erosion control measures shall be provided.

Proper Maintenance. The recreation area shall be maintained in good condition with proper attention given to neat appearance. The grounds shall be kept free from trash or other objectional uses.

Noise. Public use by all citizens is encouraged during the daylight hours. Activities resulting in excessive noise which are inconsistent with the surrounding uses shall not be permitted.



KERN COUNTY , CALIFORNIA

WATER ORIENTED ACTIVITIES

FISHING

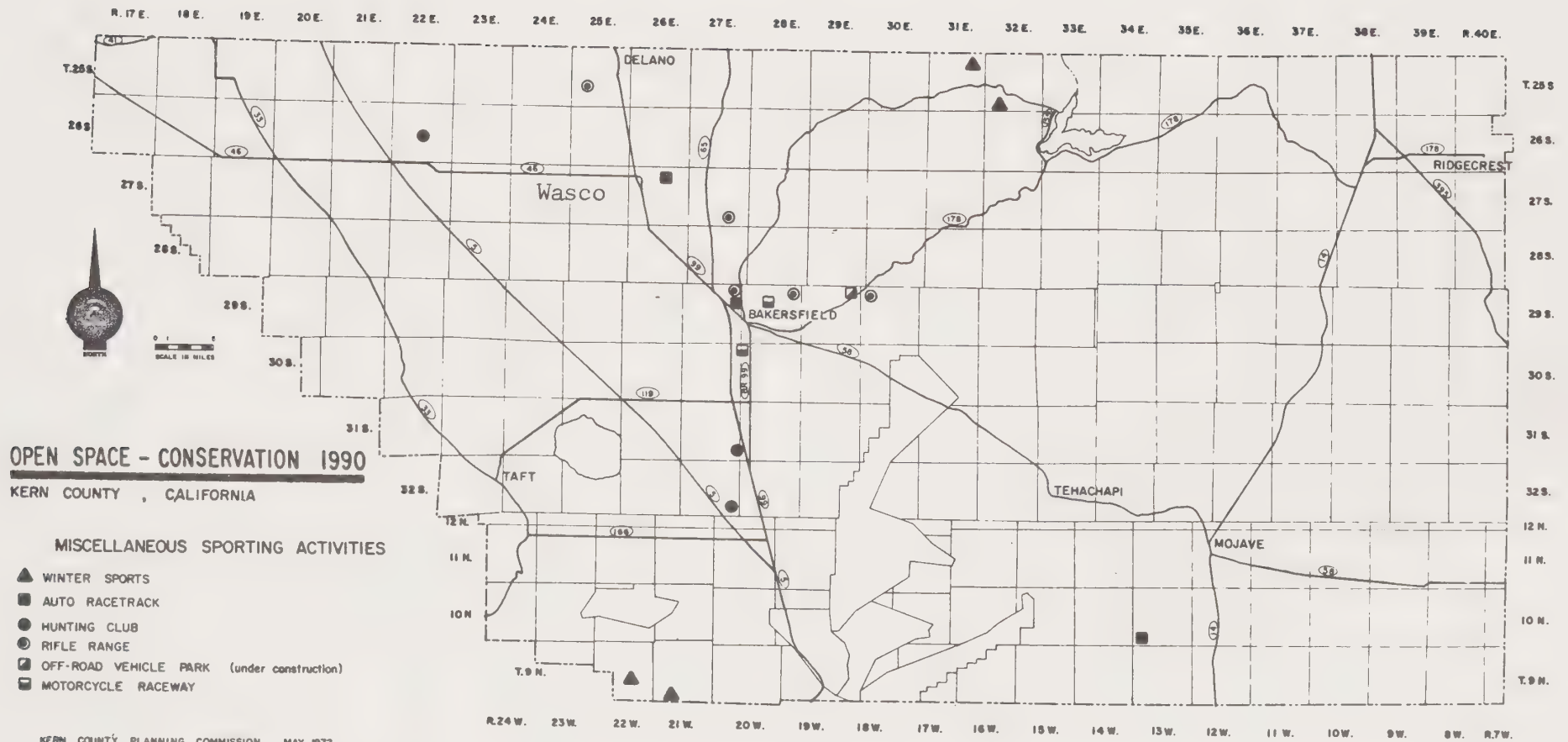
- EXISTING FISHING ACCESS AREAS
 ○ POTENTIAL FISHING ACCESS AREAS
 PLANTED STREAMS

BOATING

- ▲ MOTOR BOATING
△ NON-MOTOR BOATS ONLY

- OPEN CANAL SYSTEM
■ LAKES

KERN COUNTY PLANNING COMMISSION MAY 1972



OPEN SPACE RESOURCES

Open Space Division

Part Three: RECREATION LAND

A. Inventory:

The following is a listing of the existing Recreation and Park Lands which presently exist within the City limits of Wasco.

1. NEIGHBORHOOD PARKS - There presently exist two such parks within the city. One being Cormack Park, which consists of 9 acres and is owned and operated by the Kern County Recreation & Parks Department. The other park area is known as Barker Park. It's size is approximately 7 acres and is owned by the City of Wasco and is operated and maintained by the Wasco Recreation & Park District.
2. VEST or MINI PARKS - Two such parks presently exist within Wasco. One such park is located in the south part of town, its size is approximately 1/4 acre. The other small park is located at 9th & G Streets and its size is approximately 1/2 acre.
3. WASCO BALLPARK COMPLEX - This area is located at 1201 Poplar Street and consists of 9.33 acres which is completely turfed. Two baseball diamonds and a miniature pitch and putt golf course make up the recreational developments on this land area.
4. WASCO UNION HIGH SCHOOL - This school presently has approximately 10 acres of open space land on which a football stadium, tennis courts, and baseball diamonds are located. Approximately 8 acres are turfed and under an automatic sprinkling system.
5. THOMAS JEFFERSON JUNIOR HIGH SCHOOL - Approximately 4 acres of turfed area and 4 acres of dirt surface area exist at Wasco's Thomas Jefferson School. Two small softball diamonds and several basketball courts are located on these open space recreational lands.
6. PALM AVENUE ELEMENTARY SCHOOL - Open space recreational lands at this school consist of approximately 5 acres of turfed area. Three junior size baseball diamonds are located on this 5 acre parcel.
7. KARL CLEMENS SCHOOL - This elementary school has two acres of turfed area plus an additional 3 acres of dirt surface area which is used for recreational purposes.
8. ST. JOHNS SCHOOL - St. Johns School has approximately 3 acres of dirt area plus 1 acre of blacktop for its portion of open space lands.

This concludes the inventory portion of this report on the Recreation Land section of the city's General Plan. From the above listing it can be safely said that Wasco presently has approximately 55 1/2 acres of open space recreation lands for its community of 8,500 people. This acreage is sufficient to meet the present standards set forth by the Federal Government and by the National Recreation & Park Association.

Open Space Division

Part Three: RECREATION LAND

B. Projected Development Plan:

1. PASSAGE OF CITY ORDINANCE - A city ordinance should be passed requiring with each new subdivision, a parcel of land to be set aside for recreation and park developments. Such an ordinance would help guarantee an adequate supply of mini-park developments in future years. Without such an ordinance the danger of new homes being built in which no park or recreation area exists within walking distance for the occupants, could very well become a reality.
2. RECREATION DEVELOPMENT TIMETABLE - Recreation facilities such as basketball courts, softball diamonds, tennis courts, handball courts, etc., will be developed on existing open space areas as the community need arises. Recreation facility standards set forth by the National Recreation & Park Association will be used as one of the guidelines in determining the time for such developments.
3. POWER LINES TO BE UNDERGROUND - Much of the newer recreational developments for the city will be lighted so that late evening participation will be encouraged. All power lines will be required to be installed underground, so that the natural beauty of the park and recreational development will be preserved.

C. Obstacles:

1. A GREATER HARMONY BETWEEN ALL FORMS OF LOCAL GOVERNMENT IS NEEDED - As in most smaller communities, Wasco has several separate forms of local governments and or agencies, which are providing and serving a particular service in the community. School districts are mostly concerned with education, but also provide a great deal of recreation and related open space developments. The local Recreation & Park District's main function is the development of recreation activities and parks in the community. The development of a park can, and often does, stimulate additional economic growth and development around that park. In other words, recreational lands can determine areas of economic growth and development. The local public utility agencies are other agencies which play an important role in city, growth and development. Heat, power, and water, which is associated with any open space recreational development, all come under their jurisdiction.

All of this points to the fact that each of these agencies has a role to play in the development of open space lands for recreational use. We feel a joint committee should be established, composed of representatives from each of these agencies mentioned and at least one representative from the city. The purpose of this committee would be to insure that a well organized plan existed for the development of future recreational lands. The committee would also guard against any duplication of recreational developments which may occur between the City, School Districts and Recreation & Park District. This committee would also create the distinct possibility of these agencies all working closely together on future open space development for recreational purposes.

Open Space Division

Part Three: RECREATION LAND

D. Obstacles:

1. OPEN SPACE LAND AVAILABILITY - Many cities find that when the need for development of additional parks and recreational facilities, land for such a purpose is unavailable. This problem has arisen many times in the past when cities have attempted to purchase lands for recreation development. One of the major causes of this problem is that land has not been purchased far in advance of the actual need. Many smaller communities constantly fall into this trap. A good General Open Space Plan must be developed when planning recreational and park needs for any city. This plan should project the city's needs at least 20 years into the future and should be updated and reviewed every 4 or 5 years to insure that it continues to be a flexible and feasible plan.
2. LACK OF MONEY - This can be a major problem, and especially so in a small community such as Wasco. Methods of funding capital expenditures for recreation development or for purchasing open space lands for recreation purposes will be discussed later in this report.

E. Citizens Participation:

PERSONAL INVOLVEMENT - This is essential in the field of recreation as well as many other fields. So often the average citizen is left out of any personal involvement in local recreational developments, and many times is even unaware that any such developments have taken place. Citizenry which are uninvolved or unaware of local recreation activities and park development in their community, will often have an apathetic attitude towards the entire subject of local parks and recreation. A good rapport must be kept with the local citizen at all times. He must be kept informed of the needs, and of the future park and open space developments which are being planned for his community. Good public relations and public awareness, brought about by the use of the various news media, can go far in helping to generate support for any major recreation project or development a city may have in mind. Involvement of service clubs and other groups with specific recreation projects can also go far in bringing about active community involvement. The financial benefits of such involvement will be discussed under "Financing of Recreational Developments".

F. Capital Projects:

Development of Recreational facilities and park lands will take place as the need arises. Within the next 20 years Wasco will need one additional gymnasium, swimming pool and community center. An additional 20 acres of parks will also have to be developed to meet the anticipated needs of the community.

G. Financing:

With the recent development of Revenue Sharing and the reduced Federal Fund allotment for Federal Grants, cities as well as other forms of local governments will have to start looking for sources of revenue other than the often sought after federal grant. This may be especially true in the smaller communities such as Wasco, where often the recreation and park needs may not be as great or as obvious as those of larger communities which are faced with "exploding" populations and urban sprawl.

Open Space Division

Part Three: RECREATION LAND

G. Financing:

One of the high priority expenditures for Revenue Sharing Funds is Recreation. A portion of these funds should be set aside each year for the specific purpose of purchasing and latter development of open space lands for recreation. This program should be started immediately as the need for open space development already exists. The city should work closely with the local Recreation & Parks District when purchase and development of such lands take place.

A sound public relations program with the community should be established in regard to the community's recreational and park needs. Good public relations can have far reaching benefits, especially if the city or local Recreation & Parks District were to ask the community for additional funds through a tax override or bond passage.

Special interest groups, volunteers, and service clubs can also be used to great advantage in helping to finance local recreation and park projects.

H. Time Schedule - Priorities:

Of course the highest priority of any future open space development has to be the acquisition of lands in locations around the city in which they will be most needed in the future. Without title to available open space lands, no future development can take place. Acquisition of such lands can take place through donations or purchase. Long term or short term purchase agreements, or lease-purchase agreements are a few methods which are commonly used in acquiring lands.

Purchase of land should, and in most cases, must take place anywhere from five to twenty years in advance of any planned development. Once lands have been purchased, then guidelines for development, as set forth by the National Recreation & Park Association, can be used in the development of these lands for future recreational use.

General locations of future parks should be tied in closely with the city's overall Master Plan of the community. Projected growth rate, direction of growth, ethnic and age ratios of the city, as well as the economic status of the community are all factors which must be considered when planning future open space recreational land needs for any community. A well updated General Master Plan should contain all of these facts.



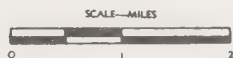


- School Open Space
- Present Parks
- Proposed Parks

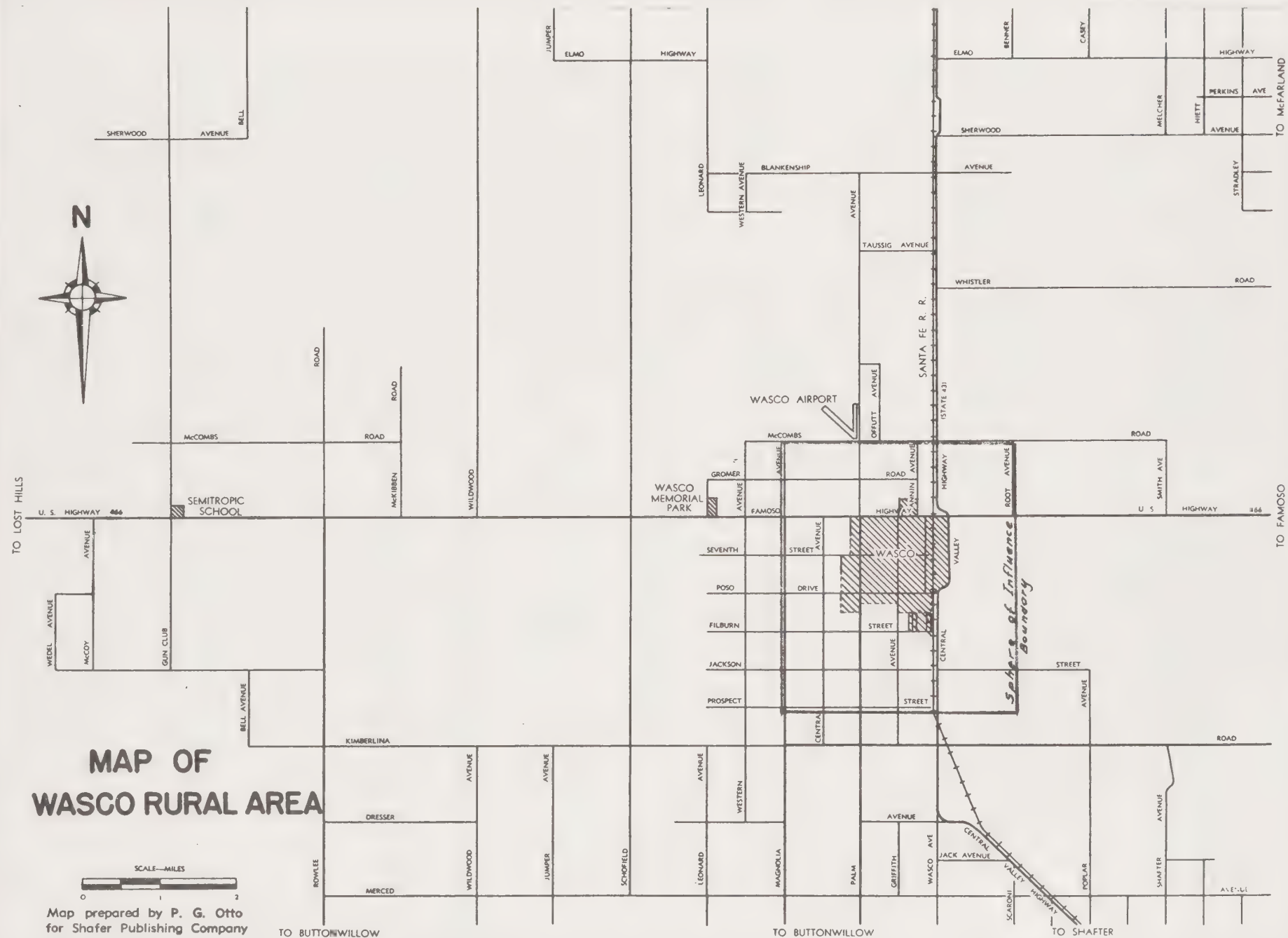
CITY OF WASCO



MAP OF WASCO RURAL AREA



Map prepared by P. G. Otto
for Shafer Publishing Company
(Third Revision)



4. SCENIC LAND

Land which possesses outstanding scenic qualities worthy of preservation is essential to every community. These lands can be areas which are uneconomical to develop in conventional ways. Rock outcrops, hills, and depressions can become scenic lands if properly developed. Such areas can become important assets to an urban community.

Policy

Every effort must be made to identify, develop, and preserve scenic qualities worthy of preservation. Scenic qualities are important to preserve because they tend to provide an identity to a community and provide for the well-being of the citizens.

Definition

Scenic Land is land designated on the local open-space plan as open-space land which possesses outstanding scenic qualities worthy of preservation.

Scenic Lands Standards

Land Use Zoning. Land use zoning regulations and development standards, consistent with policies of the general plan, will be in effect in the scenic land area.

Screening. Existing indispensable, offensive land uses should be screened from view. Effective screening shall be accomplished by proper use of planting, grading, or fencing.

Signs. No off-premise outdoor advertising signs shall be permitted. The number of on-premise signs should be held to a minimum. The size, height, number, and type of signs should be restricted to that necessary for identification purposes.

Utility Lines. ~~New and relocated utility lines shall be placed underground.~~

*See Res
#523*

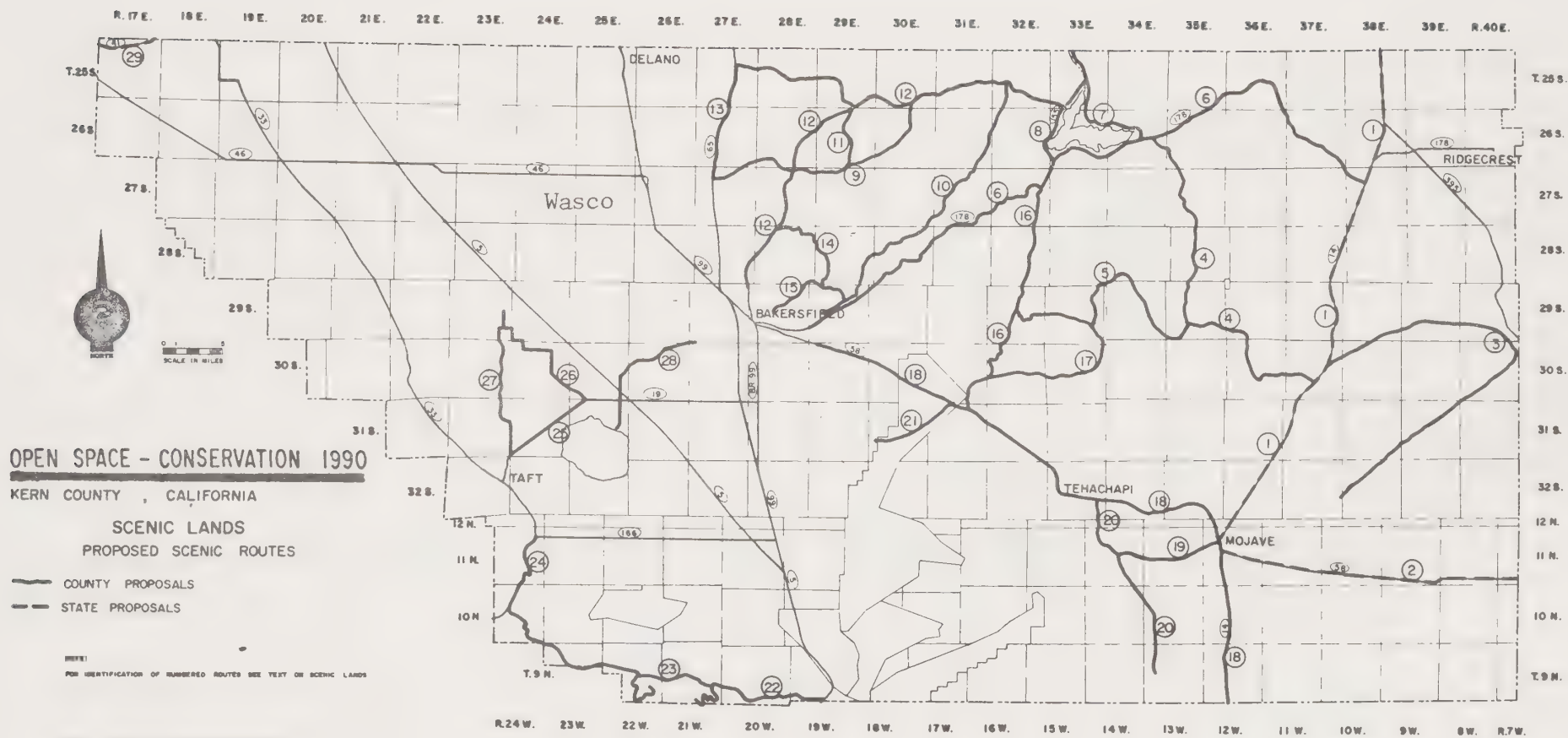
Earthwork Operations. Grading or operations shall be done in a manner which produces naturalistic land forms. Vegetative cover and other screening devices shall be provided to hide the scars. Adequate erosion control measures shall be provided.

Preservation. Existing specimens and stands of trees and other plant materials of outstanding value should be preserved. Fauna and wildlife habitat in this area shall also be preserved.

Development Design. Site planning, architectural, and landscape architectural design should result in an attractive appearance and harmonious relationship among the various elements of the development and with the existing landscape.

Property Maintenance. Structures on private or public properties, visible from scenic land, should be maintained in good condition and with proper attention given to neat appearance. The ground shall be kept free from trash or other objectionable uses or effectively screened from view.

Public Use. Public uses by all levels of government--federal, state, county, and city--should be encouraged within the corridor for the opportunities they offer to obtain total aesthetic control.



OPEN SPACE - CONSERVATION 1990

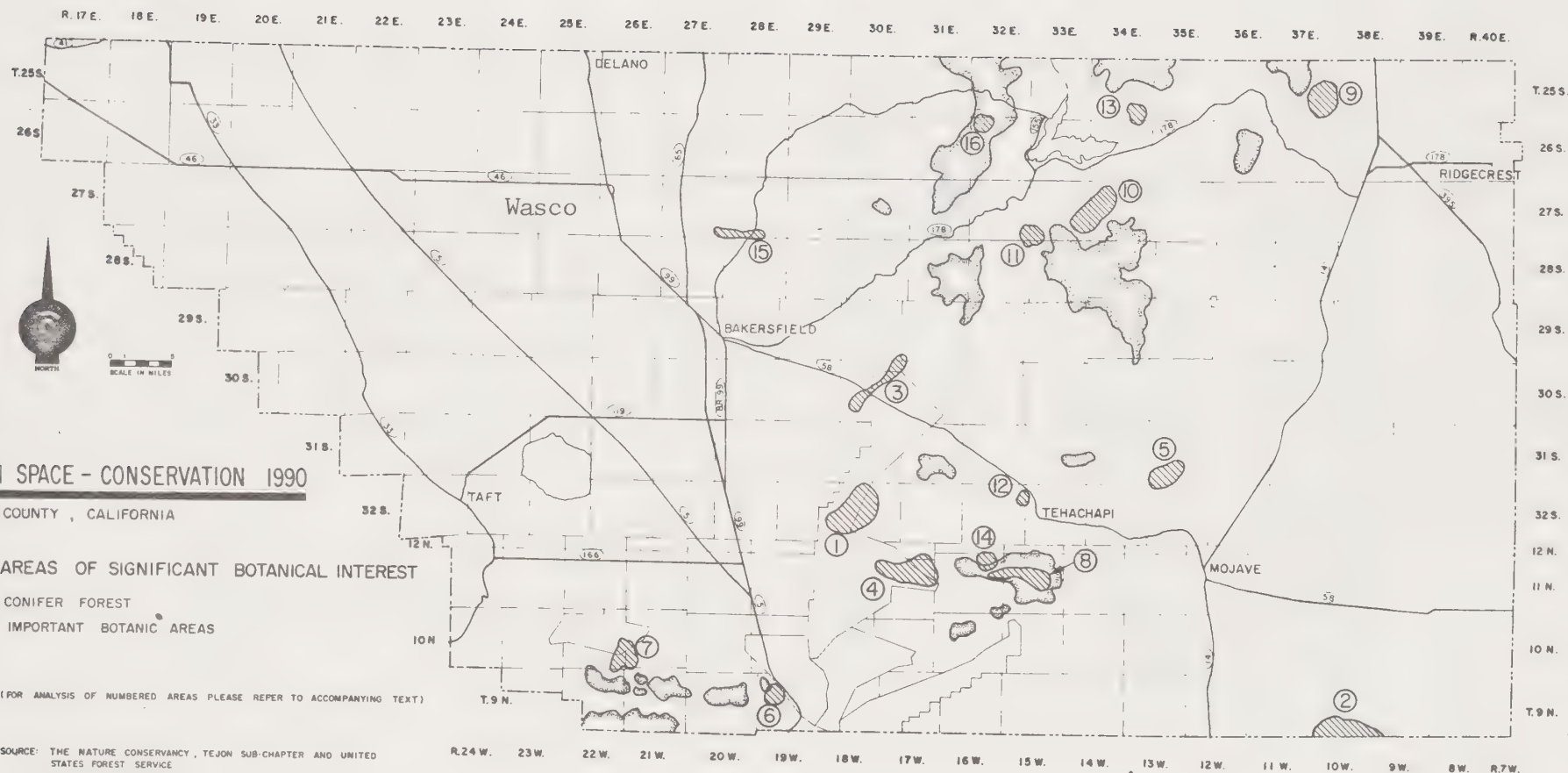
KERN COUNTY, CALIFORNIA

AREAS OF SIGNIFICANT BOTANICAL INTEREST

-  CONIFER FOREST
-  IMPORTANT BOTANIC AREAS

(FOR ANALYSIS OF NUMBERED AREAS PLEASE REFER TO ACCOMPANYING TEXT)

SOURCE: THE NATURE CONSERVANCY, TEJON SUB-CHAPTER AND UNITED STATES FOREST SERVICE
KERN COUNTY PLANNING COMMISSION, MAY 1972



5. WATERSHED OR GROUNDWATER RECHARGE LANDS

Watershed lands include wilderness areas, forest and range lands--both primary and marginal, brush lands, agricultural lands, and mountainous lands of little value for primary agricultural production. They are of great importance because of the waters they provide for irrigation and domestic use, power generation, recreation, grazing, timber, and wildlife habitat.

Water recharge lands include rural, as well as urban land. They may have land uses such as percolation ponds and injection wells. Fire and pollution in both watershed and recharge areas are hazards during the dry summer months. Tremendous direct and indirect losses from these causes regularly occur on such lands throughout the county and state.

Watershed or Groundwater Recharge Lands Standards

The people have a prime interest in the conservation, control, and utilization of the water resources in and around the city. Therefore, the quality of all water in the vicinity shall be protected for their use and enjoyment.

Activities and factors which may affect the quality of the water in the watershed and water recharge lands shall be regulated. The objective is to attain the highest water quality which is reasonable, considering all demands being made and to be made on those waters.

In the interest of the people's health, safety, and welfare a program for the control of the quality of all the water in the vicinity is necessary to protect it from degradation.

The State Water Resources Control Board and the Regional Water Quality Control Boards are the principal state agencies with prime responsibility for the coordination and control of water quality. The city shall coordinate their activities with the state boards so as to achieve a unified and effective water quality control program.

Policy

A comprehensive program should provide for sustained multiple use of these lands through reduction of fire hazards, erosion control on burned-over lands, and type conversion of vegetation where desirable and feasible. Their use by urban or suburban residents for recreational and subordinate uses should be permitted only under rigid control.

Definition

Watershed or ground water recharge land is land designated on the state or any regional or local open-space plan as open-space land which is important to the state in order to maintain the quantity and quality of water necessary to the people of the state or any part thereof.

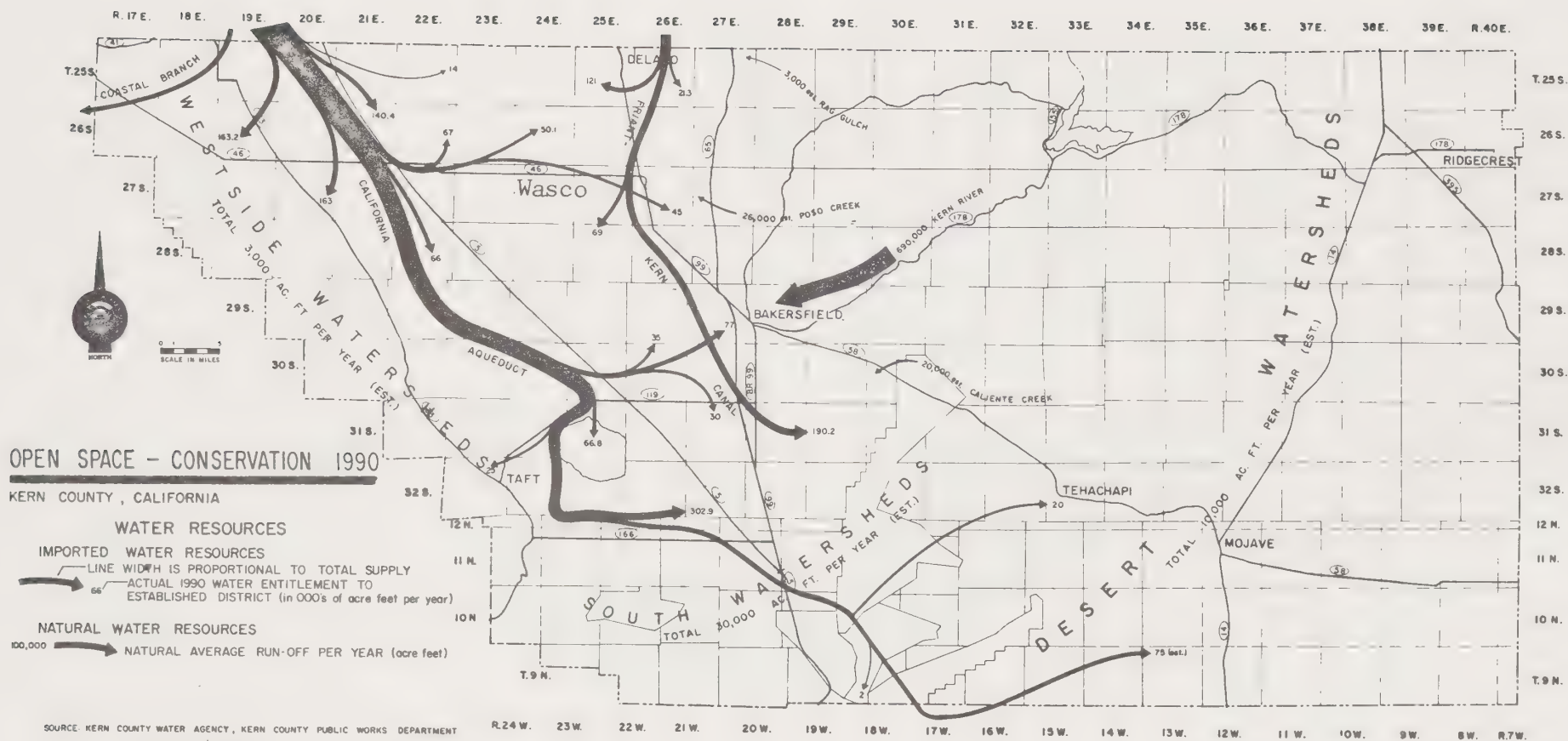
Land Use Zoning. Zoning regulations and development standards, consistent with policies of the general plan, will be in effect in the watershed and groundwater recharge lands.

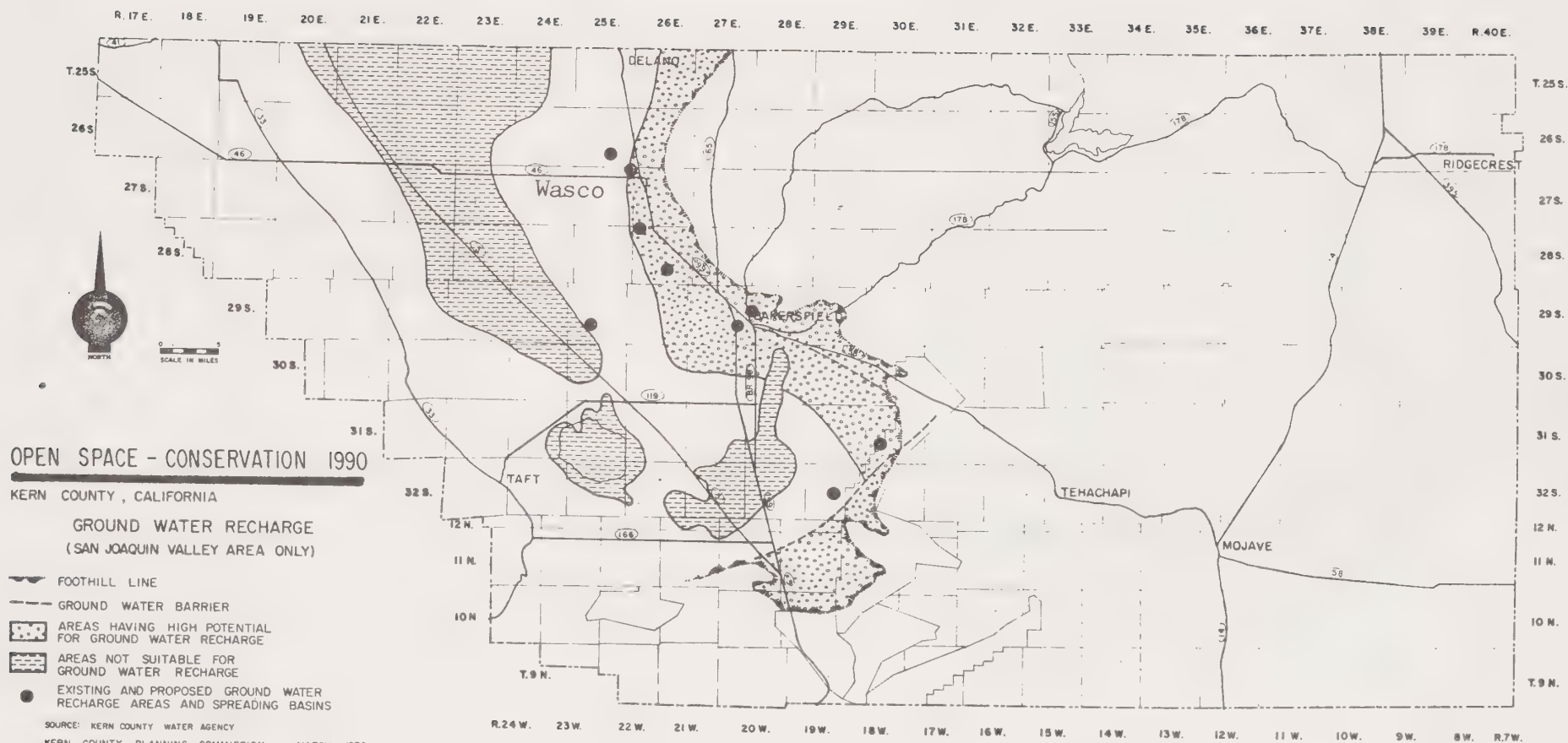
Earthwork Operation. Grading operations shall be held to a minimum. When such work is necessary the character of the area shall be preserved. Vegetation cover shall be preserved or planted to hide scars. Adequate erosional control measures shall be provided.

Preservation. These areas shall be preserved for the well-being of the community. Development within these areas shall be restricted to those associated with the watershed and groundwater recharge program and recreational uses which are not detrimental to the area. Flora and fauna and wildlife habitat shall be preserved in these areas.

Pollution. Activities which may pollute the water supply shall not be conducted within the area.

Refer to Wasco PUD Environmental Impact Statement dated September 1972. SWID Report not completed at this time.





6. WILDLIFE HABITAT

Wildlife habitat areas may provide substantial open-space, scenic, and recreational values. Careless use may damage these lands and limit or destroy their value for generations. These lands are usually valuable or necessary to the preservation or enhancement of the wildlife resources of the state.

The geographic extent of wildlife habitats is governed by various environmental factors which a species of animals can or will tolerate. Noise and the presence of hostile creatures are factors which discourage many animals from inhabiting an area. There is a constant natural evolution occurring in wildlife habitats which is in response to environmental changes. Animals must adapt or move to more acceptable locations. Old established wildlife habitats have become unacceptable for most animals when human uses are introduced. Within a city, the noise, man and their domestic pets have driven all but a few small animals and birds from the area. Interesting enough, the presence of man and the availability of food has caused a migration to the city of certain small animals and birds. They usually inhabit the parks and wooded areas.

Outside of zoos, few large nondomestic animals--such as deer and bear--frequent the city. It is the small animals and bird habitat, compatible with city activities, that are to be preserved by this plan.

Man-made ponds or lakes may provide a significant shelter for fish and birds such as ducks. In some cities it may be desirable to preserve areas in their natural state in order to attract wildlife.

Within Kern County there are several species of animals and birds that are classified as being endangered species. The San Joaquin Kit Fox and California Condor are examples. The city endorses those state and county programs that strive to preserve these and other forms of wildlife.

Policy

Such lands are not usually found within the cities boundaries. They are important to the citizens for their recreational and aesthetic value. The county, state, and federal agencies who control such areas are encouraged to maintain such areas for the benefit of the general public.

Definition

Wildlife habitat is any land or water area designated on the state or any regional or local open-space plan as open-space land which is unusually valuable or necessary to the preservation or enhancement of the wildlife resources of the state.

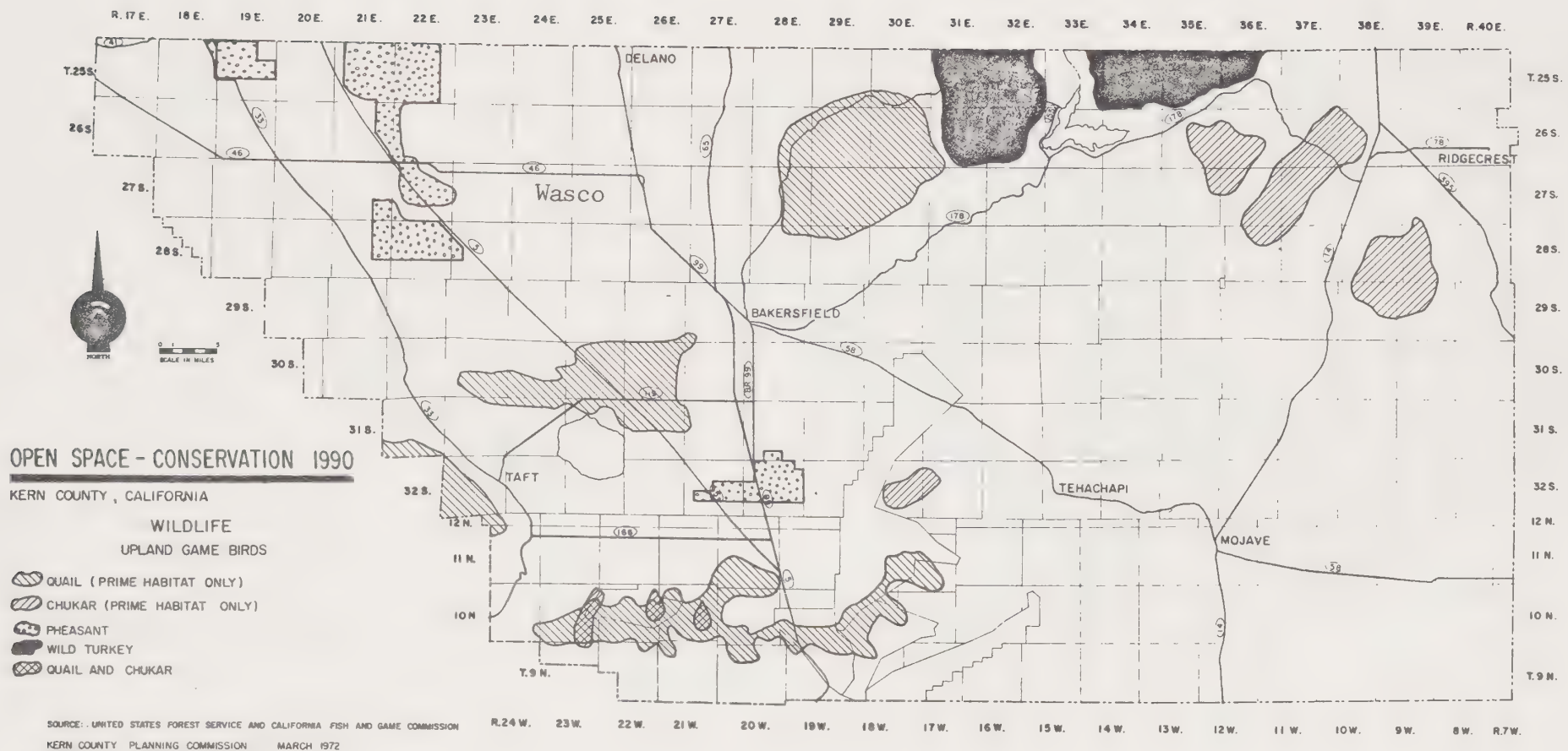
Wildlife Habitat Standards

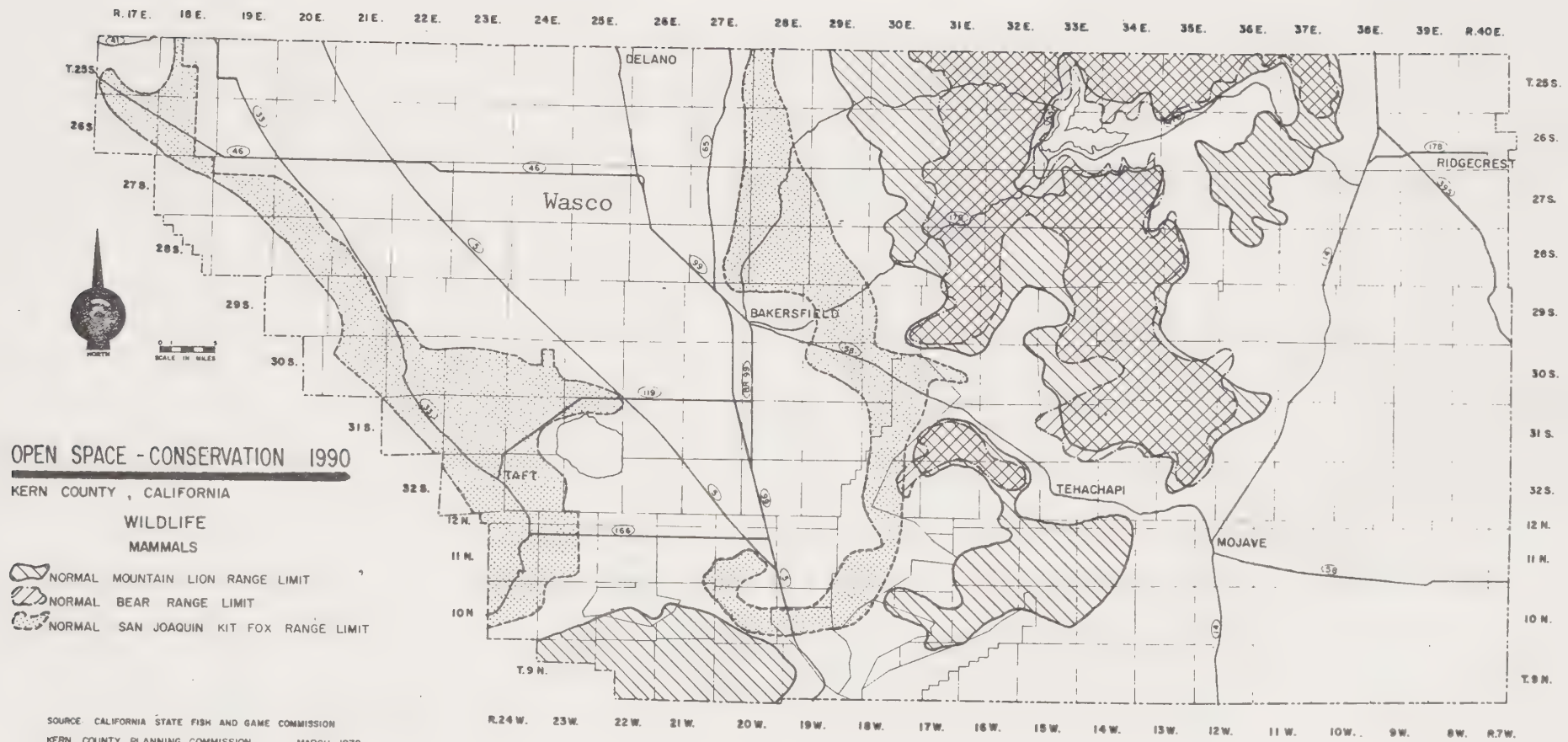
Land Use Zoning. Land use zoning regulations and development standards consistent with policies of the general plan will be in effect on wildlife habitat lands.

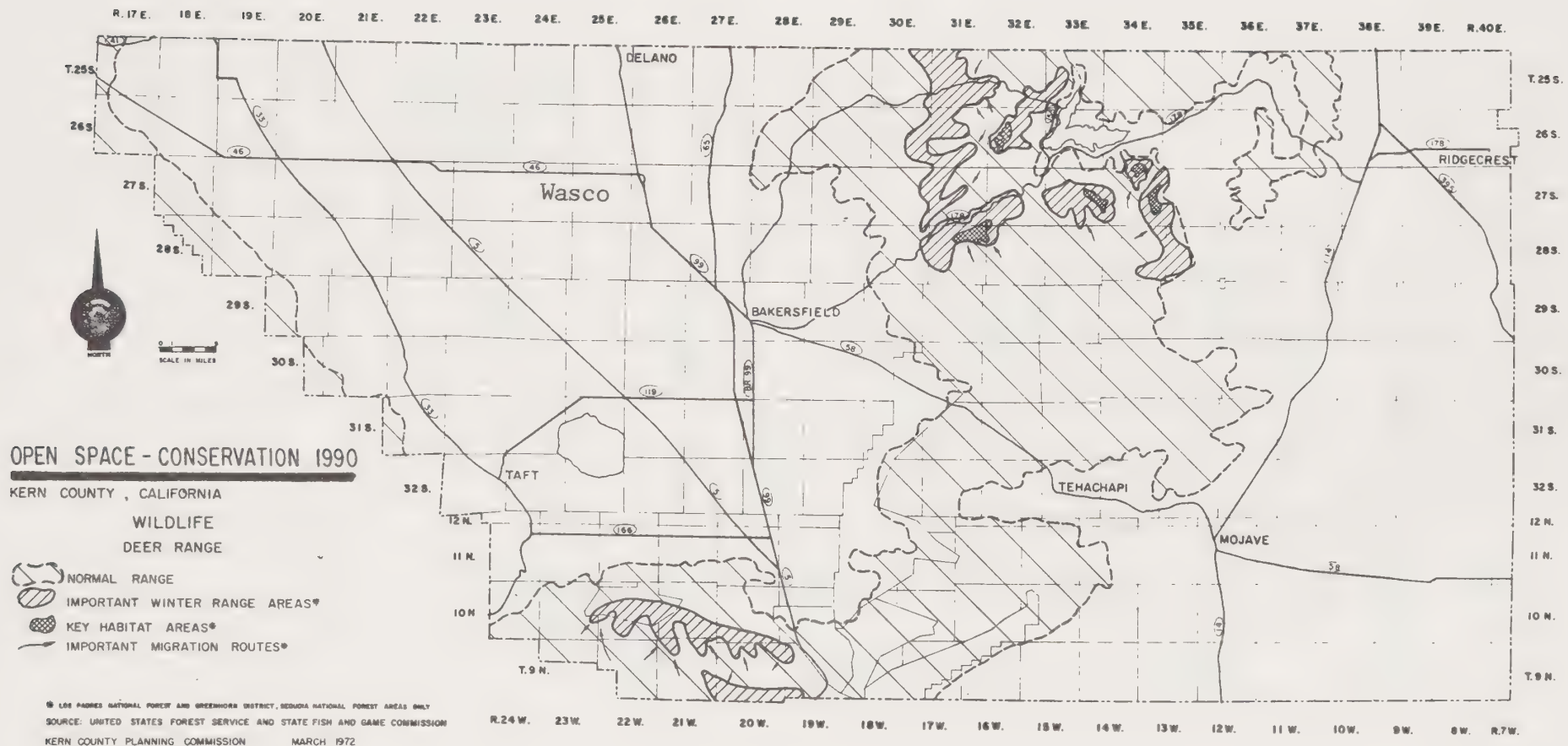
Earthwork Operations. Grading or operations shall be done in a manner which produces naturalistic land forms. Vegetative cover and other screening devices shall be provided to hide the scars. Adequate erosion control measures shall be provided.

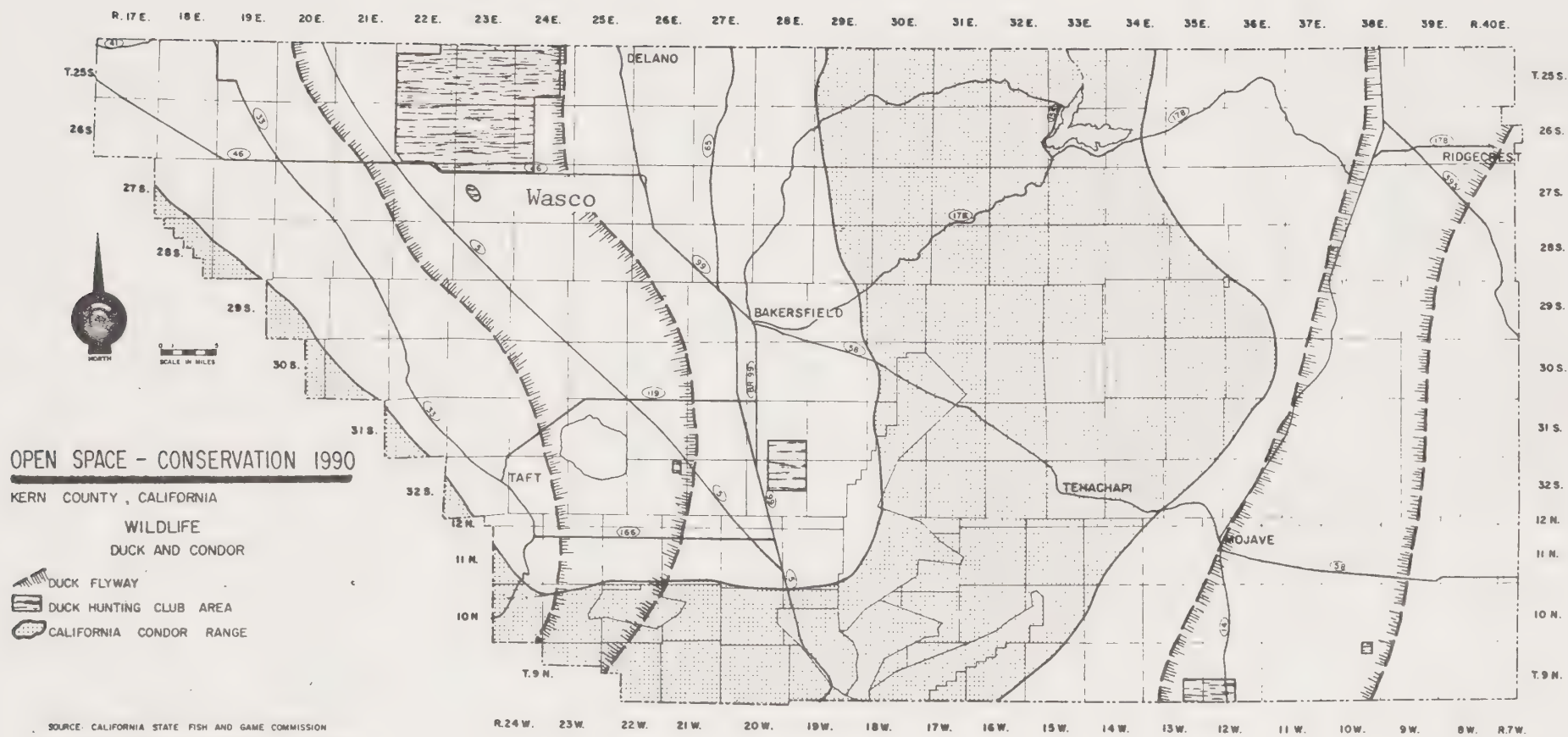
Preservation. Existing fauna and wildlife habitat shall be preserved.

Pollution. Activities which may pollute the water supply shall not be conducted within the area.









MAJOR OBSTACLES
TO THE
PRESERVATION OF OPEN=SPACE

- Trend in population increase.
- Trend in population distribution.
- Prevailing land use practices.
- Trend in industrial development.
- Incidence of urban obsolescence.
- Land use planning.
- Priority and scale of the effort devoted to the urban grants problem.
- Economic factors related to public land ownership.
- Apathy of the residents in a community.

Economic Constraints. Economic constraints in the area are characterized by the great cost to the public of capital improvements that would be required should the area be used for intensive urban uses. (These include the costs of improving existing roads or developing new ones and constructing new utilities and public facilities.) Even buildings housing public facilities, such as schools, would be more expensive because of environmental factors and the need to take special and expensive precautions dealing with these. All such public costs are critical because improvements are difficult to provide on a piecemeal basis and require entire systems within the corresponding investment.

The economics of land development involve great costs for fill where urban development is contemplated. Such costs may be warranted only for intensive uses, in turn inconsistent with other constraints.

Social Constraints. Social constraints in planning the area concern the households and their resident population. Housing falls into two basic categories: units located within the mobile home parks and conventional housing units. The area is characterized by employment, health, education, and income problems.

The basic criteria to be used in developing policy for the area are derived from the above constraints and from the city goals. The criteria enunciated by these goals are:

1. Development shall respect the physical, economic and social constraints of this area.
2. The use of the area shall have a benign impact upon the basic natural environment.

3. The area shall be designed to be an integral part of and complementary to the rest of the city.
4. Uses shall be complementary to, and create the proper environment for the city's parks.
5. Plans and implementation shall insure quality development, but such development shall not be a burden on the rest of the community.
6. Planning and implementing changes in the area shall result in improvement to the physical environment of the residents of the area. The social impact of any development shall be considered.
7. Life and property shall not be put in jeopardy through development which does not properly take into consideration the flood prone and geological hazards of the area.

The plan proposes a comprehensive, middle-range and long-range plan for the city.

It is anticipated that these ultimate uses would be phased in over a 20-30 year period and that a staging plan for rezoning will be developed as a part of the derivative plan.

With respect to landfill in this open-space area, the policy is to regulate the placing of fill throughout the area. The uses permitted under the policies stated above may or may not require fill, depending upon the use.

Zoning will be a key regulatory device in achieving the policy for planning. A new zone will be required for open-space/recreation commercial activities designated for the open-space area. Special zoning will be required for the industrial area adjacent to the park and for the commercial area. Existing zoning and pre-zoning for the area must be changed, consistent with the staging and transition required to achieve the quality of development desired.

Other open-space lands, for the purposes of the proposed element to the general plan--listed by categories as adopted by the city for open space and conservation areas, include:

A. Non-Urban Permanent Open-Space

1. Ponds
2. Slough
3. Park
4. Creek
5. Unincorporated agricultural land

B. Urban Transition Areas

1. Urban transition area
2. Incorporated agricultural lands
3. Unincorporated agricultural lands

C. Urban Open-Space

1. Creek, none
2. Flood control cross channel, none
3. Road right-of-way, NA
4. Power company lands (power lines), none
5. Freeway, expressway, and streets rights-of-way parcels, no obstacles.
6. Railroad right-of-way, established
7. Park areas, covered by general plan.
8. Private recreation areas, none
9. Historical, archeological and cultural resource areas, none
10. Vacant and undeveloped lands, fully zoned.
11. Agricultural lands, fully developed.
12. Vistas, none
13. Hazard areas, none

The proposed element generally endorses the policies contained in an Open-Space Plan for Kern County, recently adopted by the County Planning Commission and Board of Supervisors.

ACTION PROGRAM

	<u>Page</u>
The Role of the City	57
PRESERVATION OF OPEN SPACE	59
IMPLEMENTATION	63
STATE LEGISLATION ON OPEN-SPACE AND CONSERVATION	65

The Role of the City

Local governments, in implementing the plan, will use zoning regulations, building setback regulations, subdivision regulations, building codes health codes, and housing codes. As supplementary material, various other elements of the general plan should be used. These include land use, circulation, housing, open-space, seismic safety, noise, and scenic highway elements. In addition to its use in long-range planning, the plan will be used as a guide in making capital improvements.

The zoning ordinance is the primary means of translating land use proposals into precise land use patterns. The purpose of zoning is to regulate the use of land and buildings and to protect areas of uniform development from incompatible land uses. Lot size and the location of structures are also functions of the zoning ordinance. Substantial tax monies are saved because utilities and other services can be planned and developed in an orderly, efficient manner.

Building setback regulations in specific locations are primarily enforced by means of the highway zoning plan (Official Plan Lines), which is used to assist in the implementation of the circulation element of the plan, by requiring that new improvements be set back along roads that eventually will be widened. The ultimate road width required is mapped and subsequent improvements must be built behind future street lines. Substantial tax monies are saved because expensive improvements are not located in areas scheduled for future widening.

A tool which is used to implement both the land use and circulation elements is the subdivision ordinance, which sets minimum standards for the division of land into parcels for homes and other uses. These regulations are designed to insure that the future value of sites is not lessened because of unwise land division and design and construction of substandard streets and utilities which the community would subsequently be required to improve at the taxpayers' expense.

Public improvements are investments made by the cities and county in facilities which will benefit their residents. The plan relates these improvements to each other and to the area within which they are located.

The following codes and regulations will assist the city in implementing this plan: The building, housing, and health codes provide for the sound construction of buildings, adequate light, air, room sizes, and sanitary facilities.

The Air Pollution Control Board's San Joaquin Valley and Southeast Desert Implementation Plans have been developed to assure that the high quality of the air will be maintained. These plans include detailed implementation procedures and standards which should be utilized by all jurisdictions.

The Areawide Housing Element and the individual housing elements of the incorporated cities form a firm basis for provision of a variety of housing types for all residents of the area. These plans have just been completed.

The development of a community is never complete; it is a continuing process. If the plans are to be useful and effective, they must be continually maintained and kept up to date. The proposals of the plan, therefore, should not be interpreted as unchangeable, but rather as

indicating future proposals which were developed at a given point in time. As new factors evolve and conditions unfold, the plan is to be reviewed and updated. This updating should be undertaken at least every three to five years.

Procedure

A community's commitment to the planning process is measured by its willingness to enact the legislation which will give legal effect to its plans. The foregoing sections of the plan deal with the roles and responsibilities of local and other agencies. In this section recommended action is presented that must be taken to fulfill those responsibilities. It presents firm actions that are to be accomplished by the city agencies responsible for the city program and methods that will be used to accomplish their goals.

Action by City Departments

The conservation, development, and utilization program will continue to be developed in accordance with the priorities as follows:

1. Develop, or cause to be developed, zoning ordinances which include provisions for land conservation.
 - a. Conservation zones. None
 - b. Seismic safety zones. Study to be made.
 - c. Flood plane zones. NA
 - d. Open space zones. None
 - e. Scenic highway. None
2. Develop, or cause to be developed, General Plan. General Plan adopted 1964.
3. Update the Land Use Element of the General Plan. 1973
4. Acquire real property that is essential for the preservation of natural, scenic highway, or historic values and that will become unavailable if not acquired. NA
5. Acquisition of real property and development of facilities for the provision of flood control, water supply, and waste disposal. No flood problems - water supply and waste disposal adequate at this time.
6. Acquire, protect, and preserve examples of natural and scenic landscape and significant evidence of history. NA

In order to accomplish this action program, the city will utilize limited general funds, donations of land, state and federal grants, and loans.

The city will continue to file applications for matching state and federal grant programs.

The city will continue to meet its responsibilities directly by administering the local plans and development.

PRESERVATION OF OPEN-SPACE

METHODS OF PRESERVATION

Outlined below are some of the various methods of preserving open-space and conservation areas, listed in approximate order of effectiveness and permanency.

1. Acquisition in Fee

Full fee interest in land for open-space preservation may be acquired by purchase, through gifts, or by the process of eminent domain.

- a. Purchase and use by a public jurisdiction.
- b. Purchase--leaseback. Land is purchased by a public jurisdiction and leased back to the original owner or another party for uses compatible to open-space objectives under conditions that may be stipulated by the public body. Variations could allow, where appropriate, leases for specific lengths of time or in life estate to the original owner.
- c. Purchase--saleback. Land is purchased by a public jurisdiction and resold to either the original owner or a third party with certain covenants or less certain rights, such as development rights.

2. Acquisition of Partial Interest

Interests that are less than the fee simple in land include easements, leases, rights-of-entry, covenants running with the land, and other "development rights," a term commonly used to indicate a broad range of less-than-fee interests. The purposes of the acquisition of development rights, rather than of the entire fee interest, are to 1) lower the costs of acquisition, 2) keep the land on the tax rolls, 3) permit land to remain in productive use, and 4) retain efficiency of private management.

- a. Development rights. The rights to develop the land to intensive uses are acquired by a public jurisdiction. The land and its use for other purposes remain in private ownership.
- b. Scenic or conservation easements. The right to control land to a degree over and above what may be allowable through police powers is acquired by a public jurisdiction.

3. Legislative Policy and Practice

A wide assortment of tax inducements, involving preferential assessments, tax exemptions, tax deferrals and other devices are currently in use in several states. The method of tax inducement utilized in California is the Land Conservation Act (Williamson Act) of 1965. The use of tax inducements to date can best be looked upon as a temporary holding action for open space, subsidized by urban taxpayers with no promise of permanent open-space for future use.

- a. Tax concessions. Taxes on lands serving open-space needs are deferred or abolished in return for assurances that the land will be maintained in its open state.
- b. Differential assessments. Lands are assessed for their productive value instead of potential uses, e.g. "highest and best use."

REGULATORY METHODS

The city, under its police powers, can control the use that people make of their property. However, the Constitution prohibits governing bodies from depriving people of their property without due process of law. The dividing line between regulation and taking is imprecise. Regulatory schemes thus suffer the risk of being declared void as an unconstitutional taking of property. The regulatory schemes, be they zoning or taxation, also suffer from the fact that the restrictions are legislative and not incorporated into the legal title of the land. Thus, they have little permanence and can be altered or abandoned at the discretion of the Legislature.

1. Zoning. The basic "use" and "density" designation plus "scenic conservation" and "special regulation," combining districts where appropriate.
2. Other statutes and ordinances concerned or related to conservation--health regulations, grading ordinances, pollution control laws, etc.

COST OF OPEN SPACE

The high cost of acquiring land is usually considered one of the biggest barriers to preserving open-space lands. While methods cheaper than full purchase of open-space are available, some of them, such as the purchase of development rights and easements, can also be costly. These methods, and those of zoning and the granting of tax benefits to preserve open-space, typically give the governing agency less control over development. Only full acquisition can assure that 30 years in the future open-space will remain completely open.

Recent studies have suggested that in some cases the cost of retaining land as open space may be less than the cost of development. Savings in utility and service costs may offset the cost of open space acquisition.

METHODS OF FINANCING

Since both full acquisition and less-than-fee acquisition are likely to be quite costly, methods other than use of the property tax might be tapped:

1. Sale of Delinquent Property

The city could place all revenue from the sale of excess tax delinquent property into a special park purchase and improvement fund.

2. Subdivision Park Dedication Funds

Where a developer subdivides land not particularly suitable for parks, or where sufficient park space exists nearby, the city might require

payment of fees, deposited in a special fund to be devoted to park purchase.

3. User Fees and User Taxes

For certain intensively developed facilities, user fees and taxes may pay for a portion of the development costs.

4. Leasing

The city might derive revenue from purchased properties.

5. Alternative Tax Sources

a. Real Estate Transfer Tax. A real estate transfer tax, in the form of revenue stamps, is charged when real estate changes hands. The tax rate is determined by the state. The cities in Kern County receive $\frac{1}{2}$ of all revenues collected in the cities, with the remainder going to the county. All of the revenues collected in the unincorporated areas of the county, remain in the county.

b. Gasoline Tax. Portions of this fund may be used for landscaping along scenic highways.

6. Federal Funds

a. The Land and Water Conservation Fund is a primary source of federal funds available for the purchase of open space land on a 50/50 matching fund basis. The administering agency is the Bureau of Outdoor Recreation, Department of the Interior. The fund is often seriously oversubscribed, so promptness of application is a must for early funding consideration.

b. Wildlife Restoration Fund. Administered by the State Wildlife Conservation Board, it provides funds for acquisition, development, and preservation of key wildlife areas.

c. Legacy of Parks Program. The Legacy of Parks Program consolidates the Department of Housing and Urban Development, Historic Preservation Program, and the Open Space Land and Urban Beautification Programs. The program provides matching grants to states and local public bodies for up to 50% of the cost for acquiring title or other interests in and developing open-space land; for acquiring, restoring or improving sites, structures or areas of historic or architectural significance; and for public environmental improvements which provide long-term benefits in urban areas. In addition, the program provides grants to states and local public bodies for up to 75% of the cost for acquiring interest in undeveloped or predominantly undeveloped land which has significance in helping to shape economic and desirable patterns of urban growth. The objectives of the program include: to help curb urban sprawl and prevent the spread of urban blight and deterioration, to encourage more economic and desirable urban development, to assist in preserving areas and properties of historic or architectural value, and to help provide necessary recreational, conservation, and scenic areas. There are innumerable other federal funds available which can be used for costs

relating to open-space. Competition for grants is stiff, however, and while making every effort to obtain funds, the city should not count on state and federal programs for implementing its open-space program.

The Federal Government provides a wide variety of loan and grant-in-aid programs to assist state and local governments to meet their recreation and open-space needs.

Most of these programs are assistance programs. In these cases the Federal Government does not plan or build facilities, but merely provides financial aid.

The actual dollar amount that the city can realize from these programs cannot be stated because of the varying range of assistance available under each program; because of the fluctuation in appropriations for each program; and because whatever the appropriation, it is rarely enough to provide funds for every state and local project for which assistance is requested.

The rate at which federal funds will become available for recreation uses is also dependent upon the degree of U.S. involvement in other foreign and domestic activities. While the fact that we live in a world that moves crisis by crisis does not make a growing interest in outdoor activities frivolous, or ample provision for them unworthy of the nation's concern, it does make the magnitude of financial resources that will be available uncertain.

Careful study of federal programs as they are amended over the years and of ways and means of assuring that the city secures maximum benefit from them should be an integral part of the continuing recreation planning program.

7. Private Funds

Private citizens and groups have set up non-profit land banks, or trusts, which are being used in various parts of this country to preserve open-space in perpetuity, without the chance of sale or misuse; something which can occur in city-controlled or owned land. These trusts can be set up to include many of the provisions offered in connection with city acquired rights.

IMPLEMENTATION

Planning needs and concepts change, as human needs themselves change and are more accurately understood. The concept is not new, but planning as it exists today--planning in a formal sense--is new. New, too, are some of the tools of plan implementation, which is the crux of planning.

These tools are many and varied and their development has been consistent with social and economic trends. Cities have general police powers, fiscal powers, the power of eminent domain, proprietary powers, and land use control powers. This element of the general plan is concerned with but one of these tools--the use of the police power to impose certain zoning restrictions on land in favor of the preservation of open-space areas.

The ownership of land is exclusive, but not absolute. This is an established principle regardless of popular myths concerning absolute control and the right to use land as the owner wishes. One may use his property to the exclusion of all others, but he must use it with respect for the rights of others and the limitations imposed by society to protect others' rights. The community retains rights and interest, which constantly change as the society and its needs change. Therefore, land use controls will change. Change is a fundamental law of society and of law itself.

The police power, in its nature indefinable and quickly responsive in the interest of common welfare to changing conditions, authorizes various restrictions upon the use of private property as social and economic changes come. A restriction which years ago would have been intolerable, and would have been thought of as being an unconstitutional restriction of the owner's use of his property, is accepted now without a thought that it evades a private right.

Until recently, the California Legislature failed to require zoning to be in accordance with the general plan. State concern with local planning has been minimal. Section 65563 Government Code, as amended by AB 966, requires that open-space plans and consistent ordinances must be adopted by June 30, 1973. Further, Section 65860 states that:

- (a) County or city zoning shall be consistent with the general plan of the county or city by January 1, 1973.
- (b) Any resident or property owner within a city or a county, as the case may be, may bring an action in the Superior Court to enforce compliance with the provisions of subdivision (a).

The meaning of the word "consistent" within the context of this section is highly ambiguous, and urgency legislation has been introduced (but not passed) to define the term. In order to clarify the requirement, the Joint Committee on Open-Space Lands will prepare a model open-space zoning ordinance by early 1973.

Forms of Open-Space Zoning and Related Controls - In General

Zoning is one of the major tools of plan implementation. Its purpose is to distinguish various kinds of land use and to allot a specific area to

each, aiming at the most effective utilization of land. It is strictly implementive, where planning is conceptual. Zoning has become a sophisticated tool, and probably the most extensive and most important of the controls in planning in terms of development, acceptance, reliance upon, and effectiveness.

In California, the grant of zoning power to local government stems from three sources. The first is a general constitutional grant of power which provides that any local government "may make and enforce...all such local, police, sanitary and other regulations as are not in conflict with general laws" (Cal. Const., Art. XI, Sec. 11). In re Hang Kie, 69 Cal. 149 (1886) was the first case to uphold an ordinance regulating land use pursuant to this authorization. The second is the so-called "home rule" section, which applies to chartered cities and gives them exclusive legislative authority "in respect to municipal affairs" (Cal. Const., Art. XI, Sec. 6, 8). The third is the Planning and Zoning Act, found in California Government Code Section 65100-907.

Historically, the most frequent basis for the zoning power is the promotion of the public health, safety, morals, and general welfare. Other justifications for the zoning power are the quest for order, convenience, prosperity, and aesthetics.

Zoning has traditionally been applied for the purpose of specifying the locations of residential, commercial, and industrial developments within a city and to further restrict these developments through setbacks and lot size requirements and building and landscaping provisions. Such applications of zoning have been thoroughly tested in the courts and upheld as valid exercises of the police power.

STATE LEGISLATION
ON
OPEN SPACE & CONSERVATION

The State of California has delegated the following responsibility to the local jurisdictions: (Section 65302 of the Government Code)

The general plan shall consist of a statement of development policies and shall include a diagram or diagrams and text setting forth objectives, principles, standards, and plan proposals. The plan shall include the following elements:

1. A land use element....
2. A circulation element....
3. A housing element....
4. A conservation element for the conservation, development, and utilization of natural resources, including water and its hydraulic force, forests, soils, rivers and other waters, harbors, fisheries, wildlife, minerals, and other natural resources. That portion of the conservation element including waters shall be developed in coordination with any countywide water agency and with all district and city agencies which have developed, served, controlled, or conserved water for any purpose for the county or city for which the plan is prepared.

The conservation element may also cover:

 - a. The reclamation of land and waters.
 - b. Flood control.
 - c. Prevention and control of the pollution of streams and other waters.
 - d. Regulation of the use of land in stream channels and other areas required for the accomplishment of the conservation plan.
 - e. Prevention, control, and correction of the erosion of soils, beaches, and shores.
 - f. Protection of watersheds.
5. An open-space element.

The Legislature finds and declares as follows: (Section 65561)

- a. That the preservation of open-space land, as defined in this article, is necessary not only for the maintenance of the economy of the state, but also for the assurance of the continued availability of land for the production of food and fiber, for the enjoyment of scenic beauty, for recreation, and for the use of natural resources.

- b. That discouraging premature and unnecessary conversion of open-space land to urban uses is a matter of public interest and will be of benefit to urban dwellers because it will discourage non-contiguous development patterns which unnecessarily increase the costs of community services to community residents.
- c. That the anticipated increase in the population of the state demands that cities, counties, and the state at the earliest possible date make definite plans for the preservation of valuable open-space land and take positive action to carry out such plans by the adoption and strict administration of laws, ordinances, rules and regulations as authorized by this chapter or by other appropriate methods.
- d. That in order to assure that the interests of all its people are met in the orderly growth and development of the state and the preservation and conservation of its resources, it is necessary to provide for the development by the state, regional agencies, counties and cities, including charter cities, of statewide coordinated plans for the conservation and preservation of open-space lands.
- e. That for these reasons this article is necessary for the promotion of the general welfare and for the protection of the public interest in open-space land.

(Section 65562) It is the intent of the Legislature in enacting this article:

- a. To assure that cities and counties recognize that open-space land is a limited and valuable resource which must be conserved wherever possible.
- b. To assure that every city and county will prepare and carry out open-space plans, will accomplish the objectives of a comprehensive open-space program.

(Section 65563) Every city and county shall, by June 30, 1972, prepare and adopt a local open-space plan for the comprehensive and long-range preservation and conservation of open-space land within its jurisdiction.

(Section 65564) Every local open-space plan shall contain an action program consisting of specific programs which the legislative body intends to pursue in implementing its open-space plan.

(Section 65566) Any action by a county or city by which open-space land or any interest therein is acquired or disposed of or its use restricted or regulated, whether or not pursuant to this part, must be consistent with the local open-space plan.

(Section 65567) No building permit may be issued, no subdivision map approved, and no open-space zoning ordinance adopted, unless the proposed construction, subdivision or ordinance is consistent with the local open-space plan.

6. A seismic safety element. (Section 65302)

7. A noise element. (Section 65302)

Because open-space development involves a number of political jurisdictions and all the residents within a sphere of interest, and because the misuse of open-space in an isolated place can affect the entire region, open-space planning must be regional in scope and coordinated in concept.

Practical and effective results can be achieved only through specific action programs which are integrated and made operational by means of an adopted city and county-wide general plan.

APPENDIX

	Page
A. State Policy and Legislation	69
B. Review of Environmental Impact Report	73
C. Park Design Criterion	75
D, Res #523	78

APPENDIX A

State Policy and Legislation

In 1966 Article XXVIII was added to the California Constitution by the voters of the state. Section 1 of Article XXVIII states: "The people hereby declare that it is in the best interest of the people of the State to maintain, preserve, conserve and otherwise continue in existence open-space lands for the production of food and fibre and to assume the use and enjoyment of natural resources and scenic beauty for the economic and social well-being of the State and its citizens."

To further this popular mandate to conserve open-space land, the Legislature was authorized to provide for the assessment of certain open-space land in a manner that would encourage private owners of open-space land to maintain it for open-space use under the Land Conservation Act of 1965 (Williamson Act).

In 1969 major changes to the Williamson Act were enacted by the Legislature. These changes shifted the emphasis from the preservation of prime agricultural land (as expressed in the 1965 Act) to preservation of open-space. The effect of this shift in emphasis is to extend the tax reduction benefits to many more landowners in urban communities, thus providing another important tool to achieve the preservation of open-space lands.

In order to qualify for beneficial valuation of open-space land under the Williamson Act, the affected land must be subject to an "enforceable restriction," as defined by Section 422 of the Revenue and Taxation Code. For the purposes of the act, an "enforceable restriction" is any of the following: (a) a contract, (b) an agreement, (c) a scenic restriction, or (d) an open-space easement. In recent years, numerous proposals to add some form of zoning to the list have been expressly refused by the Joint Committee on Open-Space Lands. The committee has stated that before such a recommendation could be made: "The legislature would be compelled to face the problem of (zoning's) legal impermanence. It would be difficult to remain mute on the question of local government's inability to bind itself and its successors to a given course of action. Unless this issue is resolved, the public will have no assurance that the open-space land will remain open for a period of time sufficient to justify the tax shift resulting from use-based assessment."

The importance of the Williamson Act provisions to open-space zoning lies with the possible effects that special property tax treatment might have on the willingness of courts to accept the more restrictive forms of such zoning. It may be assumed, generally, that courts will be more receptive to greater control over private property where some form of compensation is available to the land owner. To qualify under the provisions of the act, a property must itself constitute or be included within an "agricultural preserve," ordinarily consisting of 100 acres or more.

The mandatory state legislation defined as open-space land "any parcel or area of land or water which is essentially unimproved and devoted to an open-space use as herein defined, and which is designated on a local, regional or state open-space plan as any of the following: (1) natural resource land, (2) agricultural land, (3) recreation land, (4) scenic land, (5) watershed or ground water recharge land, (6) wildlife habitat. These in turn are defined as follows:

1. Natural resource land is land deemed by the legislative body to possess or encompass natural resources, the use or recovery of which can best be realized by restricting the use of the land.
2. Agricultural land means land actively used for the purpose of producing an agricultural commodity for commercial purposes. Land may be considered to be "actively used," notwithstanding the fact that in the course of good agricultural practice it is permitted to lie idle for a period up to one year.
3. Recreation land is any area of land or water designated on the state or regional or local open-space plan as open-space land and which is actively used for recreation purposes and open to the public for such purposes with or without charge.
4. Scenic land is land designated on the local open-space plan as open-space land which possesses outstanding scenic qualities worthy of preservation.
5. Watershed or ground water recharge land is land designated on the state or any regional or local open-space plan as open-space land which is important to the state in order to maintain the quantity and quality of water necessary to the people of the state or any part thereof.
6. Wildlife habitat is any land or water area designated on the state or any regional or local open-space plan as open-space land which is unusually valuable or necessary to the preservation or enhancement of the wildlife resources of the state.

Additionally, under Sections 16107 to 16118 of the Government Code, every city wishing to become eligible for replacement revenues from the state for open-space land designated as an open-space conservation area under the Williamson Act shall prepare, adopt and submit a local open-space plan to the Secretary of the Resources Agency by October 31, 1972, and annually thereafter. Apparently failure to submit an open-space plan would make a city ineligible for state payments.

Applicability to Charter Cities

Although there has been some dispute as to the applicability of this legislation to charter cities, it seems clear that provisions relating to mandatory elements to the general plan are applicable. Heretofore the planning and zoning law, by its express terms, did not apply to charter cities (Sections 65700 and 65803 of the Government Code). In 1971

SB 1489 amended Section 65700, stating that: "...charter cities shall adopt general plans in any case, and such plans shall be adopted by resolution of the legislative body of the city, or the planning commission if the charter so provides, and such plans shall contain the elements specified in Section 65302."

In the past, California courts have held that the legislature does not possess the power to impose such regulations on charter cities. On the authority of such judicial determinations, the city of Los Angeles has taken the position that Sections 65302 and 65560 do not apply to it as a charter city. However, the subject presented in this legislation seems clearly to be a matter of statewide concern. Ultimately, it is the courts that determine whether a given matter is a statewide or municipal affair, subdivisions having been held to be a matter of statewide concern, and it seems probable that in view of the legislative intent expressed towards the need for open-space, it would be held to be a matter of statewide concern as well.

Other Legislation

Other statutes relevant to open-space or quasi-open-space zoning designations appear in relation to:

1. Historic Site Preservation. Section 37361 Government Code states that a city may "provide for places, buildings, structures, works of art, and other objects, having a special character or special historical or aesthetic interest or value, special conditions or regulations for their protection, enhancement, perpetuation or use or appearance of neighboring private property within public view or both."
2. Airport Approach Zoning. Every city having an "airport hazard area" within its territorial limits may adopt special airport zoning regulations for such hazard area, under the provisions of Sections 50485-50485.14 Government Code (Added Stats. 1953, c. 1741, p. 3493, Sec. 1). Such regulations may restrict the height to which structures and trees may grow, as well as specify the land uses permitted. Such regulation cannot, however, deprive a land owner of all the airspace over his land without compensation. (See Section III.)
3. Flood Plain Zoning. Section 8411 of the Water Code provides that a city must establish flood plain regulations, based upon the criteria stipulated in Section 8410, following classification by the Department of Water Resources or State Reclamation Board of an area as a "designated floodway."

Summary of State Law Requirements

The express intent of these requirements is: (a) to assure that cities recognize that open-space land is a limited and valuable resource which must be conserved whenever possible; (b) to assure that every city will prepare and carry out open-space plans which, along with state and regional open-space plans, will accomplish the objectives of a comprehensive open-space program.

The implications of such a mandate are clear. It appears that counties and cities are being advised by the State Legislature to take the

Planning and Zoning Law seriously, as a mandate from the Legislature to carry out the local planning function. Heretofore, local agencies could ignore the requirements of the Planning and Zoning Law, as there were no enforcement powers. Now, however, the Legislature has provided for compliance.

Further, there has been a clear expression of intent on the part of the Legislature that open-space be accorded a new status on par with the traditional land use categories (residential, commercial, and industrial) traditionally recognized by State policies.

Section 65910 Government Code further states explicitly that: "Variances from the terms of an open-space zoning ordinance shall be granted only when, because of special circumstances applicable to the property, including size, shape, topography, location or surroundings, the strict application of the zoning ordinance deprives such property of privileges enjoyed by other property in the vicinity and under identical zoning classification. *** This Section shall be literally and strictly interpreted and enforced so as to protect the interest of the public in the orderly growth and development of cities and counties in the preservation and conservation of open-space lands."

Federal Policy and Legislation

As expressed by the 1962 landmark report of the Outdoor Resources Review Commission, and the National Environmental Policy Act, it is the explicit intent of the Federal Government to encourage a productive and harmonious balance between man and his environment. To achieve such a balance, it is deemed federal policy to use all practical means in cooperation with state and local governments to create and maintain appropriate conditions supportive of open-space.

The nature and extent of federal concern for the establishment of local open-space lands has found further expression in the criteria established by the Department of Housing and Urban Development for project inclusion in its Legacy of Parks/Urban Open Space Program. These criteria point toward the need for containment of urban sprawl and development, which is incompatible with the environmental constraints of a given area.

The Interior Department also provides funds through a Land and Conservation Fund for acquisition of open-space lands. These funds are allocated by the Grants Administration and Statewide Studies Office of the California Department of Parks and Recreation. Other acquisition monies are expected to be provided by the state itself, following selecting criterion very similar to that of the Federal Government, from the proposed 1974 Open Space Lands Acquisition Bond Act.

APPENDIX B

REVIEW OF ENVIRONMENTAL IMPACT REPORTS

Applications of all federal and state projects and all projects requesting the allocation of federal or state funds (except for planning), and all private projects must be accompanied by an environmental impact report if the project will significantly affect the quality of the human environment.

The California Environmental Quality Act of 1970 requires a detailed statement, including the following:

1. The Environmental Impact of the Proposed Action.

This guide will assist the City Council, the lead agency responsible for EIS, in evaluating the impact of the proposal. It provides a check list of some major factors that should be considered and focuses attention on those activities.

A. Initial Assessment.

A project will first be assessed to determine if it will have a significant effect on the environment and, therefore, require additional detailed evaluation. Consideration will be given to both adverse and beneficial effects, primary effects (such as construction activities) and secondary effects (such as long-term changes in land use which may be products of the project). A project will be considered to have a significant effect and require a detailed report if it:

- 1) Disrupts or alters the appearance of a historic or archaeological site or its surroundings.
- 2) Effects natural, cultural, or scenic resources of national, state, or local significance.
- 3) Disrupts or divides an established community or planned development, or is consistent with plans and goals that have been adopted by the community in which the project is located.
- 4) Results in an inconsistency with national, state, or local environmental standards for air quality, water quality, ambient noise levels, flooding, or seismic safety hazards.
- 5) Effects a rare or endangered species of plant or animal, or the habitat of such a species.
- 6) Is one of several individually small, but cumulatively large projects. Examples of such projects are: those involving individually minor, but collectively major resources; those involving only limited amounts of money, but that are precedents for much larger amounts; or those small projects that require a decision in principle about a future major project.

7) Is likely to be highly controversial.

B. Detailed Evaluation.

If any of the factors listed above are present, a detailed evaluation is necessary. The detailed environmental impact evaluation involves a critical comparison of proposed activities with existing environmental factors. It results in isolation of the most important areas of impact, thus permitting a determination to be made as to whether or not the project will have a significant effect.

Evaluation Procedure.

- 1) First, the six project activities that would have the greatest effect upon the environment are selected from List No. I, "Activities With Potential Impact on Environment." These activities are listed at the top of the Environmental Impact Form. All activities related to the project are considered. Included are such items as: acquisition, construction, and operation of the completed project. Social as well as natural effects, and positive as well as negative effects are considered in making the selection.
- 2) Second, each of the selected activities are weighed against factors indicated on List No. II, "Existing Environmental Factors," which proposed actions might affect. The six factors from this list which could be most effected or changed by the proposed actions are selected and listed in the lower section of the form.

Some activities will have a major short term impact (for a year or so), which is ameliorated in a few years and, therefore, of minor importance over a long period of time. Other activities with lesser initial impact will produce more significant, persistent and secondary effects over long periods of time. Short and long term impacts will both be considered in the evaluation.

- 3) Each triangular box on the form provides space for a numerical number which represents measurable relationship and is an evaluation on a scale of 1 to 3 of the relative magnitude and importance of the relationship. The algebraic product of the numbers in the triangle is placed in the square and represents the degree of importance of a given condition, which is based on independent decision between one activity and one factor. Special consideration should be given to those activities and factors which produce an algebraic product which exceeds a value of 4.
- a) Magnitude is a value judgement which reflects the quantity, degree, or extensiveness of the relationship. Each triangle which identifies a measurable relationship is evaluated and its magnitude marked above the diagonal as:

APPENDIX C
PARK DESIGN CRITERIA
REVIEW OF PARK ACQUISITIONS

Acquisition of locations of city-wide parks and recreation areas will be based on the following criteria:

1. The review should conform to the policies and deficiencies identified in the Open Space Element.
2. The site should preserve valuable natural and historical features.
3. The site must be accessible to the general public, by car and public transportation.
4. The site should be planned for multi-purpose use.
5. The type and location of the park or recreation area should have a functional relationship to the area to be served, the recreational interests of the potential users, and should contribute to a balanced open space system, each area complimenting or supplementing the types of use in other existing or proposed parks.
6. Future demands for increased park property should be anticipated and savings in total expenditures realized by acquiring sites of sufficient size to serve anticipated growth and increased demand.
7. The proposal should meet the standards as prescribed in the "Standards of Parks."

REVIEW OF PARK SITE DEVELOPMENT PLANS

Parks are for people and should be designed and maintained with this idea in mind. Development plans for park and recreation areas should be evaluated using the following criteria:

1. Design of park and recreation areas should provide diversity and each area should have an identifiable character to counteract drabness and boredom and induce pride in the citizens using these facilities.
2. All parts of the layout should reflect the interests and desires of the users--not only the various age groups, but also diversity of life styles and the characteristics of the people to be served.
3. The layout should relate to proposed structured programs.
4. The relation of the park to surrounding area should be evaluated.
5. The use areas should favorably relate to the total site.
6. Adequate buffers and separations and flexibility for expansion should be considered in plotting use area.
7. Structures on the site should favorably relate to use areas and be accessible from local roads and streets.
8. Minor structures or park shelters should be located to favorably relate to use areas and major buildings.
9. All structures should relate in scale to the size and intended function of the park.
10. Site layout should be designed to reduce required supervision to a minimum.
11. Site layout should be designed to provide ease of maintenance to allow areas to be maintained by such standards that could serve as examples of the care and quality of maintenance expected in private development.
12. The proposal should conform to the standards as prescribed in "Standards of Parks."

STANDARDS

Relation Between Net Residential Density and the Effective Service Distance of the Neighborhood Recreation Center

General Location in California	Average Family Size	Lot Size	Predominant Building Type	Effective Service Distance	Total Net Acres*	Population Within Effective Svc. Area
Valley non- metropolitan mountain	3.5	7,000 to 10,000 sq. ft.	single- family detached house	1/4 to 3/8 mile	206	2,500 to 3,000
Valley metropolitan desert	3.3	5,000 to 7,000 sq.ft.	single- family detached house	1/4 mile	91	2,000 to 2,500
Valley metropolitan	3.0	varies	duplex, row houses, 2 and 3 story apts.	1/4 mile	91	3,500 to 4,500
Valley metropolitan	2.6	varies	multi- story apart- ments	1/8 mile	23	2,000 to 4,000
*Excluding streets and public uses.						

RESOLUTION NO. 523

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WASCO, AMENDING THE OPEN SPACE ELEMENT OF THE GENERAL PLAN.

WHEREAS, the Planning Commission of the City of Wasco, after a duly noticed public hearing, did approve and adopt an amendment of the Open Space Element of the City of Wasco General Plan; and,

WHEREAS, the City Council did conduct a public hearing pursuant to Section 65351 of the Government Code, to consider the amendment to said Open Space Element of the Wasco General Plan; and,

WHEREAS, There were no objections to the amendment of the Open Space plan, and the Council determined that said General Plan should be amended;

NOW, THEREFORE, IT IS HEREBY RESOLVED BY THE CITY COUNCIL OF THE CITY OF WASCO AS FOLLOWS:

1. That the Open Space Element of the Wasco General Plan is hereby amended as follows:

Section Agricultural Land Standards, sub-section Transmission Lines:

New and relocated transmission lines shall be constructed on existing rights-of-way, where possible.

Section Recreational Land Standards, sub-section Utility Lines is hereby repealed and deleted.

Section Scenic Lands Standards, sub-section Utility Lines is hereby repealed and deleted.

2. That in all other respects, the Open Space Element of the City of Wasco General Plan is unchanged.

Dated: November 19, 1973.

/s/ Glenn C. Hallock, MD.
MAYOR OF THE CITY OF WASCO

ATTEST:

/s/ A. F. PAYTON
City Clerk

CERTIFICATION OF ADOPTION
by the
CITY COUNCIL

We hereby, certify that this document, text, accompanying tables and maps constitute an Open Space Element of the City of Wasco as required by Section 65302, paragraph (e) of the Government Code, State of California. This "Open Space Element," proposed as a part of the General Plan, was reviewed by the planning agency; said agency made its recommendation to this council; this council adopted the Open Space Element by Resolution No. 503 of the Wasco City Council, at its regular meeting of the 26th day of June, 1973, after conducting a public hearing pursuant to Section 65351 of the Government Code, State of California.

Signed by:

Wm. H. Whittaker
Mayor, City of Wasco

A. F. Payton, City Clerk
City of Wasco

A C K N O W L E D G M E N T

The City Council of the City of Wasco is greatly appreciative of the efforts put forth by the individuals and agencies involved with the preparation of this element for the General Plan and taking this opportunity to thank each and everyone.

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United States Government

Agricultural Department
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Department of Interior
Bureau of Land Management
Conservation Director
U.S. Fish and Wildlife Service
Outdoor Recreation Resources Review Commission

State of California

Department of Conservation
Department of Fish and Game
Department of Parks
Department of Water Resources
California Regional Water Quality Control Board

County Departments

Board of Trade
Department of Agriculture
Department of Parks and Recreation
Department of Planning
Department of Public Works
Kern County Water Agency

Organizations

California National Area Inventory
Native Plant Society
Nature Conservancy, Tejon Subchapter
Project Land Use
Sierra Club, Kern Kaweah Chapter

U.C. BERKELEY LIBRARIES



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